



## State of New Jersey

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*Assistant Commissioner*

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 10352-24 K.K.

AGENCY DKT. NO. C190340011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance("WFNJ/GA"), and Emergency Assistance ("EA"), benefits, contending that the termination notices received from the Agency were insufficient. A hearing in this matter was initially scheduled for September 24, 2024, however, the Petitioner verbally withdrew her appeal. Thereafter, Petitioner, through her counsel, contacted the Office of Administrative Law ("OAL") and requested the hearing be reinstated, which was scheduled for October 22, 2024, at which time the case was conferenced and rescheduled for November 4, 2024. The November 4, 2024, hearing was adjourned until November 18, 2024, at which time a prehearing conference was held, and a new hearing date scheduled. On December 18, 2024, the Honorable Michael R. Stanzione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Thereafter, the ALJ held the record upon until February 10, 2025, to allow for both parties to supplement the record and submit post-hearing briefs. On February 26, 2025, the record was reopened to address issues raised in both parties' summation briefs, and then closed on March 5, 2025. On March 26, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination as to the WFNJ/GA termination, and reversing the Agency's determination as to the EA termination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's WFNJ/GA determination, and AFFIRM the Agency's EA determination on other grounds, based on the discussion below.

Pursuant to N.J.A.C. 10:90-9.1(b), an Agency must provide both adequate and timely notice advising of a termination, denial or suspension of welfare benefits. In part, adequate notice is a written notice outlining the intended action, the reasons for the action, the proper regulatory basis for the action, and an explanation of the individual's right to request a fair hearing. See N.J.A.C. 10:90-9.1(a). Timely notice is defined as "a notice that is mailed to the recipient at least 10 calendar days before the effective date of the action." N.J.A.C. 10:90-9.1(b)(1).

Only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that, in July 2024, the Agency became aware, from the Social Security Administration, that Petitioner, who had been receiving WFNJ/GA and EA benefits since September 2023, was found eligible for monthly Social Security Disability Insurance ("SSDI") payments, as well as the payment of a lump-sum amount retroactive to January 2024. See Initial Decision at 3. On July 22, 2024, the Agency notified Petitioner that it would be terminating



Petitioner's WFNJ/GA benefits effective August 1, 2024, as she was no longer eligible for such benefits due to receipt of SSDI payments. Id. at 3; see also Exhibit R-1. Additionally, in a separate notice, the Agency notified Petitioner that it would be terminating her EA benefits effective September 1, 2024, citing that she did not comply with her EA service plan ("SP"), that she failed to take reasonable steps to resolve her emergent situation, and that she had reached the lifetime limit for EA benefits. See Initial Decision at 3; see also Exhibit R-6.

As to the notice terminating Petitioner's WFNJ/GA benefits, the ALJ found that the notice was adequate and met the regulatory requirements of N.J.A.C. 10:90-9.1(a)(1) and specifically referenced that since Petitioner was receiving social security benefits, she would no longer be eligible to receive GA. See Initial Decision at 4; see also Exhibit R-1 and N.J.A.C. 10:90-3.1. Further, the Agency argued, and the ALJ found, that the regulatory requirement of providing ten-days' notice was not required as the assistance was being terminated due to Petitioner's receipt of SSDI, requiring that the Agency only provide adequate notice. See Initial Decision at 4-5, 9; see also Exhibit R-1, and N.J.A.C. 10:90-9.1(d)(12). I agree.

As to the notice terminating Petitioner's EA benefits, the ALJ found that the notice was timely pursuant to the regulatory requirements at N.J.A.C. 10:90-9.1(b)(1), as the notice was dated more than thirty-days prior to the termination of Petitioner's benefits on September 1, 2024. See Initial Decision at 5; see also Exhibit R-6. The EA termination specifically indicated that Petitioner had used the statutory maximum of twelve months of EA benefits and was non-compliant with her SP, as she had failed to take reasonable steps to resolve her homelessness by not submitting the required number of housing contacts. Ibid. The Agency contended that Petitioner was responsible for submitting at least 180 housing contacts during the time she received EA benefits, however, she submitted approximately 40 contacts. See Initial Decision at 5. Petitioner testified that she was unable to submit the required contacts because the Agency did not provide her with a form, however, the SP indicated that contacts could be submitted on any type of paper. Ibid.; see also Exhibit R-3.

Petitioner contended that the EA termination notice was inadequate because it did not cite two primary reasons for the termination that were argued during the hearing—that Petitioner violated her EA SP by failing to submit the requisite housing searches, and that Petitioner was no longer eligible due to her being approved for SSDI benefits which made her ineligible for WFNJ/GA benefits. See Initial Decision at 6; see also Exhibit R-6. The Agency, conversely, contended that by losing her WFNJ/GA benefits, Petitioner was aware that she could not continue to comply with her SP. See Initial Decision at 7. The ALJ found that Petitioner did not meet the terms of her SP, specifically that she failed to complete the required housing searches. Ibid. However, the ALJ found that the EA termination notice was insufficient, as the Agency failed to specify in "great enough detail" the Petitioner's non-compliance with her SP, specifically noting that the Agency failed to include the primary reason for termination being that Petitioner became ineligible for receipt of WFNJ/GA upon receipt of SSDI benefits which, consequently, made her ineligible for receipt of EA benefits. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.2(a). Accordingly, the ALJ concluded that the Agency had failed to provide Petitioner with adequate notice of her EA benefits termination, as required by N.J.A.C. 10:90-9.1(a), (b). See Initial Decision at 9.

While the EA termination notice did not cite to all applicable regulatory provisions, I find, however, that the Agency presented sufficient evidence on which to base its termination of Petitioner's EA benefits. Specifically, the documentary record reflects that Petitioner's EA SPs, dated September 21, 2023, and July 29, 2024, state that "only TANF, GA, and SSI recipients are eligible for EA." See Exhibits R-3, R-5. Based on the foregoing, I find that the Agency produced sufficient evidence in this matter, and Petitioner had constructive notice based upon the terms of her SPs, on which to base its termination of Petitioner's EA benefits. Moreover, it should be noted that being either a WFNJ or SSI benefits recipient, is the threshold requirement for EA eligibility. See N.J.A.C. 10:90-6.2(a). As the ALJ found that the termination of Petitioner's WFNJ/GA benefits was proper, the effect of such determination is that Petitioner was not eligible for WFNJ/GA benefits, nor was she receiving SSI benefits, which means that she is unable to meet the threshold eligibility requirement for receipt of EA benefits. Ibid. As such, while the EA termination notice may have cited different regulatory bases for termination, the Agency had a right to be heard on the EA termination being caused by the lack of WFNJ eligibility, which was determined at the time of the hearing and not prior. Ultimately, as Petitioner was ineligible for WFNJ/GA benefits, she is consequently also ineligible for EA benefits. Ibid. The Agency's termination of EA benefits is therefore affirmed on these grounds, which were fully briefed and argued through the course of this fair hearing, thereby providing Petitioner full due process on this issue. The Initial Decision is modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's termination of WFNJ/GA benefits is AFFIRMED, and the termination of Petitioner's EA benefits is AFFIRMED on other grounds, as outlined above.



Officially approved final version. May 14, 2025

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Natasha Johnson  
Assistant Commissioner

