



## 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 **14248-24 M.B.**

AGENCY DKT. NO. **C294827020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits contending that she had exhausted her lifetime limit of said benefits, and did not qualify for an exemption from, or extension of, said time limit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 31, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 14, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on April 14, 2025.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency for further action, based on the discussion below.

"Eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual." See N.J.A.C. 10:90-2.3(a). "At the end of an individual adult recipient's 60 cumulative months of receipt of cash assistance, the assistance unit shall no longer be eligible to receive [WFNJ] assistance." See N.J.A.C. 10:90-2.3(a)(1). However, an individual may receive additional months of cash assistance if he/she qualifies for an exemption from, or extension of, the time limit, as set forth at N.J.A.C. 10:90-2.4 and -2.5, respectively.

Here, the record reflects that Petitioner has received 70 months of WFNJ/TANF benefits, thus exceeding her 60-month lifetime limit of WFNJ/TANF benefits, and as such, the ALJ found that Petitioner exhausted her maximum lifetime of available WFNJ/TANF benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-2.3(a). Petitioner has been unable to secure employment and testified that she does not have a high school diploma, nor has she completed her GED. See Initial Decision at 3. Further, she is the primary caregiver for her eight-year-old autistic son, who receives Supplemental Security Income ("SSI") benefits. See Initial Decision at 3-4. The ALJ concluded that Petitioner should be eligible for continued WFNJ/TANF benefits, and consequently, reversed the Agency's determination, asserting that the Agency failed to determine whether Petitioner should be considered "chronically unemployable" or if she should be considered for a "caregiver exception." Ibid. Based on the foregoing, the ALJ found that the termination of Petitioner's WFNJ/TANF benefits would be inequitable and constitute an undue hardship upon Petitioner and her two minor children. See Initial Decision 4.

While the record reflects that the Agency met with Petitioner at a time limit case conference conducted on July 24, 2024, the record is devoid of any analysis or documentation of consideration by the Agency as to whether Petitioner may



be eligible for any exemption, or extension, pursuant to regulatory authority. See Exhibits R-1, R-4; see also N.J.A.C. 10:90-2.4(a)(3)(1), -2.5, -6.2(a). Accordingly, I agree with the ALJ that the Agency should have evaluated Petitioner as to whether she met the criteria for any exemption, or extension, specifically as to supplying Petitioner with documentation to be evaluated and completed by a medical professional as to whether or not Petitioner would qualify for a caretaker exemption as well as to what, if any, evaluation the Agency undertook to determine if Petitioner met the criteria to be considered chronically unemployable. Therefore, the matter is hereby remanded to the Agency to undertake, and document, such determinations, on an expedited basis, and the Initial Decision is modified to reflect that Petitioner shall not receive any additional WFNJ/TANF benefits until such determination is completed.

By way of comment, I have reviewed the Exceptions submitted on behalf of the Agency, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, following the evaluation and determination as to whether Petitioner qualifies for an exemption from the lifetime limit of WFNJ/TANF benefits as discussed above, should the Agency determine that Petitioner does not meet the criteria for an exemption, Petitioner is without prejudice to request another fair hearing on that determination.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version. May 27, 2025

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Natasha Johnson  
Assistant Commissioner

