



State of New Jersey

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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 **01231-25 T.C.**

AGENCY DKT. NO. **C134838013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because he had exhausted the 60-month lifetime limit for WFNJ benefits and terminated Petitioner's EA benefits contending that he violated motel policy and failed to comply with the terms of his EA Service Plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. An emergent hearing was scheduled for January 23, 2025, however, Petitioner failed to appear. On January 24, 2025, Petitioner contacted OAL and indicated that he had not received notice of the hearing, which led to the matter being rescheduled. On January 28, 2025, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 29, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

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, and MODIFY the Agency's determinations, based on the discussion below.

Pursuant to N.J.A.C. 10:90-2.3(a), "eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual recipient." See also N.J.A.C. 10:90-1.1(d) ("Assistance benefits provided under WFNJ are time-limited and considered a temporary cash subsidy[.]"). 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. The goal of WFNJ is help the recipient achieve self-sufficiency through obtaining employment and removal from the program. See N.J.S.A. 44:10-62(a).

The record in this matter clearly shows that Petitioner has received a combined total of 74 months of WFNJ benefits, including 12 months of WFNJ/TANF benefits, and 62 months of WFNJ/General Assistance ("WFNJ/GA") benefits, and as such, he has exceeded the 60-month lifetime limit for receipt of WFNJ benefits. See Initial Decision at 3; see also Exhibit R-1 and N.J.A.C. 10:90-2.4, -2.5. During Petitioner's Time Limit Review Appointment, the Agency did indicate he may be able to seek an exemption if he submitted a completed MED-1 form, and if he reapplied for Supplemental Security Income ("SSI") benefits, however, Petitioner did not submit a completed MED-1 form within the thirty days provided, nor did he reapply for SSI. Ibid. Petitioner's WFNJ/TANF case was closed effective February 1, 2025, for exceeding the lifetime eligibility limit for cash assistance benefits and, as of the date of the hearing, no MED-1 form had been submitted, nor



had Petitioner reapplied for SSI. Ibid. Based on the foregoing, the ALJ in this matter found that the Agency appropriately terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 6. I agree.

The determination that Petitioner's WFNJ/TANF benefits were appropriately terminated is sufficient, in and of itself, to terminate Petitioner's EA benefits as Petitioner is no longer eligible to receive EA benefits as he is not a WFNJ recipient, nor an SSI recipient. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.2(a).

In this matter, however, the ALJ conducted analysis as to the underlying cause of the EA termination. Here, the record reflects that Petitioner was in receipt of EA benefits and being housed at a motel during September 2024, when he went to the Agency to have another individual, L.D., removed from his SNAP and WFNJ/TANF cases due to her receipt of unemployment income which would have disqualified the assistance unit from the receipt of benefits. See Initial Decision at 4. The Agency informed Petitioner that L.D. was not permitted to stay overnight in the motel with Petitioner and their child. Ibid. On October 3, 2024, Petitioner signed an EA SP wherein he agreed, among other things, to comply with motel rules/policies, and understood that the violation of such rules could result in the termination of his EA benefits for a period of six months. Ibid.; see also Exhibit R-3. During December 2024, the Agency received notice from management at the motel that Petitioner was allowing L.D. to stay overnight. See Initial Decision at 4; see also Exhibit R-2. At the time of the hearing, testimony was provided by a part-time manager of the motel that L.D. was staying overnight with Petitioner and that she had been verbally abusive to motel staff. Ibid. During mid-January 2025, the Agency was again contacted by motel management requesting Petitioner be removed, as he continued to allow L.D. to stay overnight. Ibid. Petitioner denied that he allowed L.D. to stay overnight. See Initial Decision at 4. The ALJ found, and the witness testimony and record provided substantiated, that Petitioner was informed of the visitor policy and that he had violated motel rules by continually violating the visitor policy. See Initial Decision at 7; see also N.J.A.C. 10:90-6.3(e)(1)(iii). Of note, in instances such as this, where violations of motel/shelter rules are at issue, it is the type of motel/shelter rule violation which is controlling, not Petitioner's SP. See also N.J.A.C. 10:90-6.3(c) versus N.J.A.C. 10:90-6.3(e). I note that N.J.A.C. 10:90-6.3(e) provides that an EA benefits recipient shall be eligible for continued EA benefits for other, less severe, minor violations of a facility's policies, such as visitation or curfew. See N.J.A.C. 10:90-6.3(e); see also DFDI No. 08-05-04 at 10. An adult EA benefits recipient who incurs two or more terminations for such less severe violations is subject to the loss of EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(e)(1) (emphasis added). Here, this was the first termination of Petitioner's EA placement due to the minor violation of visitation at the placement. See Exhibit R-2 at 8. As such, while I agree with the ALJ's affirming the termination of Petitioner's EA benefits, based upon the fact that this was the first termination from an EA placement, and said termination was based on a less severe, minor violation, pursuant to N.J.A.C. 10:90-6.3(e), I find that the imposition of a six-month EA ineligibility period upon Petitioner in this matter is improper. The Initial Decision as well as the Agency's adverse action is modified to reflect this finding with respect to the applicable legal basis in this matter. See Exhibit R-2 at 8.

Moreover, while I find that a six-month EA penalty is not warranted, based on the type of violation at issue, I find it was also improper for the Agency to seek a six-month period of ineligibility for EA benefits at the hearing without having provided adequate notice to Petitioner in its adverse action notice that such a penalty was being sought. See N.J.A.C. 10:90-9.1(a). Specifically, the December 18, 2024, adverse action notice, see Exhibit R-2 at 8, terminating Petitioner's EA benefits, makes no reference of the Agency's intent to seek a six-month EA ineligibility penalty, and therefore, I find that adequate notice was not provided to Petitioner with respect to any ineligibility penalty being sought. See N.J.A.C. 10:90-9.1(a). The Initial Decision and the Agency's adverse action notice are both further modified to reflect this finding.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is MODIFIED, as outlined above.

Officially approved final version. February 07, 2025

Natasha Johnson
Assistant Commissioner

