



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

P.O. Box 716

TRENTON, NEW JERSEY 08625

Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

Jennifer Velez  
Commissioner

Jeanette Page-Hawkins  
Director  
Tel. (609) 588-2000

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

REMAND DECISION

OAL DKT. NO. HPW 9337-14 T.H.

AGENCY DKT. NO. C158645 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits because she exhausted her lifetime limit of WFNJ/TANF benefits. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2014, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. On the same date, the ALJ issued an Initial Decision, which reversed the Agency's action. The ALJ found Petitioner was not provided with proper notice of the termination of her benefits. Thus, the ALJ ordered the Agency to provide Petitioner with an additional month of WFNJ/TANF benefits to allow Petitioner to "properly plan for the termination of her benefits."

No exceptions to the Initial Decision were received.

As Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I AFFIRM the Initial Decision with respect to the lack of notice provided to Petitioner by the Agency. As such, the Agency shall reinstate Petitioner's WFNJ/TANF benefits and pay retroactive benefits from the date of termination until reinstatement.

I am also REMANDING this matter back to the Agency because the record does not indicate whether Petitioner's case was properly reviewed prior to termination of her WFNJ/TANF benefits. To that end, the Agency shall immediately conduct a WFNJ/TANF time limit case review. See DFDI #12-05-03(outlining the steps necessary to complete a WFNJ time limit case review). As part of the time limit case

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review, the Agency shall consider whether Petitioner qualifies for any exemptions or extensions to the 60-month lifetime limit of WFNJ/TANF benefits. *Ibid.*; see also N.J.A.C. 10:90-2.4 and -2.5(discussing exemptions and extensions, respectively). If the Agency determines Petitioner has exhausted her 60-month lifetime limit of WFNJ/TANF benefits upon completion of the WFNJ time limit case review, then the Agency shall provide Petitioner with proper notice of the termination of her WFNJ/TANF benefits. See N.J.A.C. 10:90-9.1(b)(1)(defining timely notice as “a notice that is mailed to the recipient at least 10 calendar days before the effective date of the action”).

Accordingly, the Initial Decision is AFFIRMED and this matter is REMANDED to the Agency for action in accordance with this Final Decision.

**NOV 07 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director