



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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. HIPW 06547-18 P.B.

AGENCY DKT. NO. C288916007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits contending that she failed to comply with the requirements of the Supportive Assistance for Individuals and Families ("SAIF") program, and terminated Petitioner's EA benefits contending that she had exhausted her lifetime limit of said benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 10 and 15, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until May 31, 2018, pending Petitioner's intent to complete certain SAIF requirements necessary for WFNJ/GA eligibility, and the record then closed on that date. On June 5, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT in part, and REJECT in part, the ALJ's Initial Decision, and REVERSE in part, and AFFIRM in part, the Agency's determination as discussed below.

Under the Work First New Jersey ("WFNJ") regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). A WFNJ/GA benefits recipient may qualify for up to an additional six months of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA benefits that a WFNJ/GA benefits recipient may receive is 18 months.

Here, the record reflects that Petitioner's WFNJ/GA benefits were sanctioned, and ultimately terminated, on March 31, 2018, because she failed to comply with SAIF requirements. See Initial Decision at 2-3; see also Exhibits R-4, R-5, R-6, R-8, and N.J.A.C. 10:90-2.2, -2.20 and -4.13. However, Petitioner was



given the opportunity to comply with SAIF and to have her WFNJ/GA benefits reinstated. See Initial Decision at 2-3; see also Exhibits P-1, R-2, R-3, and N.J.A.C. 10:90-4.18. The ALJ found, and the SAIF Program Director acknowledged, that Petitioner has since come into compliance with SAIF, and that she is now eligible for WFNJ/GA benefits. See Initial Decision at 3-4; see also "Letter of Compliance," and "K and M Security" letter. Accordingly, the ALJ reversed the Agency's termination of Petitioner's WFNJ/GA benefits. See Initial Decision at 4; see also Exhibit R-4. I agree with the ALJ's conclusion, and further, I find that Petitioner is eligible for WFNJ/GA benefits retroactive to the date that she came into compliance with SAIF.

The record also reflects that Petitioner has received 19 months of EA benefits. See Initial Decision at 2; see also Exhibit R-2. As such, I find that Petitioner has exhausted her lifetime limit of EA benefits, plus all available extensions, and that there is no regulatory authority by which the Agency may grant Petitioner additional EA benefits. See N.J.A.C. 10:90-6.4(a), (b), (c). Therefore, I reject the ALJ's conclusion that Petitioner is eligible for EA benefits, and affirm the Agency's termination of Petitioner's EA benefits. See Initial Decision at 4; see also Exhibit R-1.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED in part, as to Petitioner's WFNJ/GA benefits, and REJECTED in part, as to EA benefits, and the Agency's action is REVERSED in part as to Petitioner's WFNJ/GA benefits, and AFFIRMED in part as to the EA benefits, as outlined above.

Officially approved final version.

JUN 11 2018

Natasha Johnson

Director

