



State of New Jersey

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*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. HPW 00653-19 C.P.

AGENCY DKT. NO. C083439003 (BURLINGTON COUNTY BD. 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, contending that Petitioner failed to complete the redetermination process for continued benefits, and terminated Petitioner's EA benefits because she had exhausted her lifetime limit of EA benefits and did not qualify for an extension of those benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 4, 2019, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 7, 2019, the ALJ issued an Initial Decision, affirming 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 the ALJ's Initial Decision, and AFFIRM the Agency's determination.

N.J.A.C. 10:90-3.22(a)(1) states, "WFNJ/TANF cases shall be redetermined [for continued WFNJ/TANF benefits] at least every 12 months."

Under the 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/TANF benefits recipient may qualify for up to two six-month extensions 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(d). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

Here, the record reflects that Petitioner failed to appear at her WFNJ/TANF benefits redetermination appointments on November 13 and 27, 2018, and as a result, the Agency terminated her WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibit R-1 at 3-7, and N.J.A.C. 10:90-3.22(a)(1). The ALJ found that Petitioner failed to offer any evidence of good cause for her failure to appear at said



appointments, and accordingly, concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1 at 3-7. I agree.

The record also reflects that, as of February 1, 2019, Petitioner had received 26 cumulative months of EA benefits, and as such, she has exhausted her lifetime limit of EA benefits, plus two six-month extreme hardship extensions. See Initial Decision at 3; see also Exhibit R-1 at 42-45, 49-52, and N.J.A.C. 10:90-6.4(a), (b), (d). The ALJ found that Petitioner was ineligible for any further extensions of EA benefits, and therefore concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1 at 8-11. I also agree. The ALJ further found that, although Petitioner had been the victim of domestic violence ("DV") in the past, and that DV is to be taken into consideration prior to a termination of EA benefits, there was no evidence of continuing DV against Petitioner. See Initial Decision at 3; see also N.J.A.C. 10:90-6.4(f). Moreover, I find that, because Petitioner is no longer a WFNJ/TANF benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient, she is therefore ineligible for EA benefits. See N.J.A.C. 10:90-6.2(a) (limiting EA benefits eligibility to WFNJ and SSI benefits recipients).

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, and the Agency's action is AFFIRMED.

Officially approved final version.

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Natasha Johnson  
Director

MAR 18 2019

