



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
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 13048-19 J.R.

AGENCY DKT. NO. C070667011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and termination of Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/TANF benefits, contending that she had exhausted her lifetime of WFNJ benefits and did not qualify for an extension of, or exemption from, the WFNJ lifetime limit. The Agency terminated Petitioner's EA benefits, contending that she was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 24, 2019, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 25, 2019, the ALJ issued an Initial Decision affirming the Agency's determinations.

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 MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination, as discussed below.

N.J.A.C. 10:90-1.3(a) states, "All applicants for WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made." In relevant part, immediate need "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a) (1). Of note, immediate need assistance is not EA, and the termination of immediate need assistance is not appealable.

Here, the record reflects that Petitioner had received 141 months of combined WFNJ/General Assistance ("GA") and WFNJ/TANF benefits, and as such, she had exhausted her cumulative lifetime limit of WFNJ cash benefits. See Initial Decision at 2; see also Exhibits R-2, R-3, and N.J.A.C. 10:90-2.3(a). The ALJ found that Petitioner does not qualify for an extension of, or exemption from,



the WFNJ benefits lifetime limit. See Initial Decision at 5; see also N.J.A.C. 10:90-2.4, -2.5, and -2.6. Specifically, the ALJ found that Petitioner does not qualify for said extension or exemption because she is not chronically unemployable, she is not permanently disabled or the caretaker of a disabled person, she does not have an SSI application pending approval or up on appeal, and she does not meet the criteria for a family violence extension/exemption. See Initial Decision at 3-5; see also Exhibits P-1, R-4, and N.J.A.C. 10:90-2.4, -2.5, and -2.6. Based on the foregoing, the ALJ concluded that Petitioner is ineligible for WFNJ/TANF benefits, and that the Agency's denial of said benefits to Petitioner was proper and must stand. See Initial Decision at 5; see also Exhibit R-1. I agree.

The record further reflects that the Agency terminated EA benefits on the basis that Petitioner was no longer a WFNJ/TANF benefits recipient, nor an SSI benefits recipient. See Initial Decision at 3; see also Exhibit R-8, and N.J.A.C. 10:90-6.2(a). The ALJ affirmed the Agency's termination. See Initial Decision at 5-6. However, based on the record, I find that at the time Petitioner applied for WFNJ/TANF benefits she was provided with immediate need housing assistance by the Agency, not EA benefits. See Initial Decision at 2, see also Exhibit R-2 and N.J.A.C. 10:90-1.3(a). Therefore, when Petitioner's application for WFNJ/TANF benefits was denied, her immediate need assistance ended. See N.J.A.C. 10:90-1.3(a). Based on the foregoing, I find that there has been no termination of EA benefits. The Initial Decision, as well as the Agency's determination, are modified to reflect this finding. See Initial Decision at 5-6; see also Exhibit R-8.

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

Officially approved final version.

OCT - 3 2019

Natasha Johnson
Assistant Commissioner

