



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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. HPW 05233-19 R.G.

AGENCY DKT. NO. C086194008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

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 he had exhausted his lifetime limit of said benefits, and terminated Petitioner's EA benefits contending that he had exhausted his lifetime limit of EA benefits and did not qualify for an extension of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 3, 2019, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 17, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that, at the time of the hearing, Petitioner had received 68 months of WFNJ/GA benefits, 23 months of which were received under the Supportive Assistance to Individuals and Families ("SAIF") Program, and as such, Petitioner has exhausted his lifetime limit of WFNJ benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 10-17, and N.J.A.C. 10:90-2.3(a), -2.20. Petitioner claimed that he was chronically unemployable due to certain mental and physical health issues, and therefore eligible for an exemption from the WFNJ benefits lifetime limit. See Initial Decision at 5-6; see N.J.A.C. 10:90-2.3(a) (3), (4). However, Petitioner does not have a current MED-1 form indicating a 12-month disability inhibiting his employability. See Initial Decision at 2-3; see also Exhibit R-1 at 20. The record also reflects that Petitioner's application for Supplemental Security Income ("SSI") benefits was denied, and not appealed. See Initial Decision at 2; see also Exhibit R-1 at 28. The ALJ found that Petitioner has an extensive employment history, a high school diploma, a valid Commercial Driver's License, and has recently applied for, and been offered, employment. See Initial Decision at 6-7, 9; see also Exhibit R-1 at 23, 31-33. Further, the ALJ found that Petitioner has not proven that he is disabled by mental or physical health issues, as claimed. See Initial Decision at 10. Based on the foregoing, the ALJ found that Petitioner is not chronically unemployable, or permanently disabled, and as such, he is ineligible for an exemption from the WFNJ benefits time limit. *Id.* at 9-10; see also N.J.A.C. 10:90-2.3(a)(3), (4). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 10-11; see also Exhibit R-1 at 3-5. I agree.



Additionally, the ALJ found that Petitioner has exhausted his lifetime limit of EA benefits and did not qualify for an extension of those benefits, and as such, the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4-5, 7, 10-11; see also Exhibit R-2 at 2-3, 17, 21-23, and N.J.A.C. 10:90-6.4(a), (b), (c). Moreover, as Petitioner is no longer a WFNJ/GA benefits recipient, and is not an SSI benefits recipient, on that basis, he is also ineligible for EA benefits. See Initial Decision at 4; see N.J.A.C. 10:90-6.2(a).

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

JUN 21 2019

Natasha Johnson
Director

