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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 04998-20 J.R.

AGENCY DKT. NO. C045844008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, contending that Petitioner is a college student, and therefore ineligible for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 14, 2020, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to provide additional documentation. No such documentation was received and the record then closed on August 21, 2020. On August 27, 2020, the ALJ issued an Initial Decision, affirming the Agency determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby MODIFY the Initial Decision and AFFIRM the Agency's determination, as discussed below.

It should be noted that, while N.J.A.C. 10:90-2.11(b)(3) outlines the eligibility criteria for college students seeking WFNJ/GA benefits, this regulation was superseded by the 2013 Appropriations Act ("Act"), P.L. 2012, c.18. Pursuant to the Act, college students became ineligible for WFNJ/GA benefits as of July 1, 2012. Ibid.; see also FYE 2014 Appropriations Act (P.L. 2012, c.77), and DFD Instruction ("DFDI") No. 12-08-03. The Appropriations language prohibiting the extension of WFNJ/GA benefits to those single adults enrolled in college has been extended in each successive fiscal year budget cycle, including the 2019 budget. See <https://www.nj.gov/treasury/omb/publications/19budget/pdf/FY19BudgetBook.pdf> at D-218("Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Cost of General Assistance and General Assistance Emergency Assistance Program are subject to the following condition: no funds shall be expended to provide benefits to recipients enrolled in college. For purposes of this provision, "college" is defined as that term is defined at N.J.A.C. 9A:1-1.2.")(emphasis added).



The ALJ in this matter, analyzing the case under N.J.A.C. 10:90-2.11(b)(3), found that Petitioner was a full-time college student in the 2019/2020, school year, was not employed, did not participate in a work-study program, and did not meet any of the qualifying exceptions required to continue to be eligible for WFNJ/GA benefits. See Initial Decision at 4-5, 7; see also Exhibit R-1 at 3-6, 7-9. Therefore, the ALJ agreed with the Agency's determination that Petitioner was ineligible to receive WFNJ/GA benefits. See Initial Decision at 6-7; see also N.J.A.C. 10:90-2.11(b). While I agree with the ALJ's final conclusion, the Initial Decision is modified to reflect that the proper legal analysis, and basis for the Agency's termination, is under the Appropriations Act, as the regulatory authority relied upon by the ALJ has been superseded by the Appropriations Act. See 2013 Appropriations Act (P.L. 2012, c.18); see also FYE 2014 Appropriations Act (P.L. 2012, c.77), and DFDI No. 12-08-03. Further, I find that the Agency is required to recoup the overpayments of WFNJ/GA benefits that had been provided to Petitioner during such time as she was ineligible for said benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-3.21(a). The Initial Decision is also modified to reflect this finding.

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

Officially approved final version. SEP 22 2020

Natasha Johnson
Assistant Commissioner

