



State of New Jersey

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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 02356-20 L.F.

AGENCY DKT. NO. C289105004 (CAMDEN COUNTY BOARD OF SOC SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that she did not apply for Supplemental Security Income ("SSI") benefits as directed. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 9, 2020, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 17, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 REVERSE the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-1.12 provides, in pertinent part, that an applicant/recipient for WFNJ benefits, as a condition of eligibility, must apply for other benefits for which they appear eligible, including SSI, and Retirement, Survivors and Disability Insurance ("RSDI"), within 30 days of notification from the Agency. (Emphasis added). See also N.J.A.C. 10:90-2.2(a)(3).

Here, the record reflects that by notice dated July 26, 2019, Petitioner was directed by the Agency to apply for SSI benefits, and provide proof of same by August 26, 2019. See Exhibit P-1. On August 19, 2019, Petitioner provided proof of her application to the Agency, but was told that she had applied for the wrong benefits, RSDI rather than SSI. See Initial Decision at 3, 5. Petitioner stated that she then attempted to apply again, but the system would not permit her to do so, indicating that she had an application pending. *Id.* at 3-4. On October 2, 2019, the Agency terminated Petitioner's WFNJ/TANF benefits effective November 1, 2019. See Exhibit R-2.

An independent review of the record reflects that Petitioner applied for SSI benefits and her claim was denied on August 8, 2019. See Exhibit P-6. The record further shows that Petitioner requested



Reconsideration of her application for Social Security benefits on August 14, 2019. See Exhibits P-2, P-4. The ALJ in this matter found that Petitioner had provided sufficient proof that she had filed for SSI benefits prior to the August 26, 2019, deadline, and therefore, the Agency's termination of Petitioner's WFNJ/TANF benefits was improper and must be reversed. See Initial Decision at 5. I agree. Furthermore, as also indicated by the record in this matter, the Social Security Administration's ("SSA") website does not distinguish between applying for SSI or RSDI (also known as "SSD"), and application for either is in compliance with regulatory authority, as stated above. See N.J.A.C. 10:90-1.12, -2.2(a)(3). Moreover, it will be a determination by the SSA, based on a person's work history, which will determine if that person is eligible for RSDI, SSI, or both.

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

Officially approved final version.

MAR 20 2020

Natasha Johnson
Assistant Commissioner

