



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 **01137-23 A.G.**

AGENCY DKT. NO. **C118104002 (BERGEN 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") benefits, and denial of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that she had exhausted her lifetime limit of said benefits, and denied Petitioner EA benefits because 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 March 22, 2023, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 4, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 AFFIRM in part, REVERSE in part, the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the record reflects that Petitioner has received 142 months of WFNJ/TANF benefits, and as such, she has exhausted her lifetime limit of said benefits. See Initial Decision at 2, 5; see also Exhibit R-1 at 3, 9-17, and N.J.A.C. 10:90-2.3(a). In order to be granted continued WFNJ/TANF benefits, Petitioner must qualify for an extension of, or exemption from, the WFNJ benefits lifetime limit. See Initial Decision at 3, 5-6; see also N.J.A.C. 10:90-2.4, -2.5, and -2.6. The ALJ found that Petitioner did not have a MED-1 form, indicating that she had a 12-month disability, and the record indicates that Petitioner did not have a valid MED-5 caregiver form, indicating that her child was disabled and required her full-time care, either form being required for an exemption from the WFNJ/TANF benefits lifetime limit. See Initial Decision at 2-5; see also Exhibit R-1 at 18-24; see also N.J.A.C. 10:90-2.4(a)(2), (3). The record also indicates that Petitioner did not meet any of the other criteria required for an extension of, or exemption from, the WFNJ/TANF benefits time limit. See Initial Decision at 5-6. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 6-7; see also Exhibit R-1 at 2. I agree.



Further, the ALJ concluded that because Petitioner herself was not a WFNJ, or SSI, benefits recipient, the Agency's denial of EA benefits to Petitioner was proper, and moreover, that she was not entitled to a fair hearing on the issue of the EA denial because Petitioner's fair hearing request was purportedly outside the regulatory 90-day time frame within which to request a fair hearing. See Initial Decision at 6-7; see also, Exhibit R-1 at 1, and N.J.A.C. 10:90-6.2(a), -9.10. I respectfully disagree. First, the Agency's denial of EA benefits was issued on September 23, 2022, and Petitioner's request for a fair hearing was on November 28, 2022, thus within the 90-day time frame. See Exhibit R-1 at 1; see also N.J.A.C. 10:90-9.10. Secondly, I note that the Agency's EA denial notice was improperly backdated to an effective date July 1, 2022. See Exhibit R-1 at 1. Finally, I find that N.J.A.C. 10:90-6.2(a) provides that SSI recipients are eligible for EA benefits, and therefore, by virtue of Petitioner's child's SSI status, Petitioner's child is clearly eligible for EA benefits, and Petitioner, the non-needy parent-person, will also stand to benefit from any EA provided to her eligible child. See Initial Decision at 2; see also Exhibit P-1 at 3, R-1 at 8. Accordingly, I find that EA is permissible under our regulatory structure for a child only case, and therefore, reverse the Agency's denial of EA benefits and remand this matter back to the Agency for a reevaluation for EA benefits. See Exhibit R-1 at 1; see also N.J.A.C. 10:90-6.5(b). The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED in part, REVERSED in part, and REMANDED to the Agency, as outlined above.

Officially approved final version. June 28, 2023

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Natasha Johnson  
Assistant Commissioner

