



## State of New Jersey

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TRENTON, NJ 08625-0716

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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 **01181-23 F.K.**

AGENCY DKT. NO. **C399636016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioners appeal from Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency terminated Petitioners' WFNJ/TANF benefits, contending that Petitioners failed to comply with the Supportive Assistance to Individuals and Families ("SAIF") program. Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic hearing was initially scheduled for February 27, 2023, but was adjourned to allow Petitioners the opportunity to review the Agency's documents. On March 1, 2023, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. At the conclusion of the hearing, the parties were instructed to submit written summations within 10 days. The Agency then submitted documentation that was not offered into evidence at the March 1, 2023, plenary hearing. As a result, the hearing was continued on March 6, 2023, to determine the admissibility of the post-hearing submissions, and the record then closed on that date. On March 7, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioners, on March 14, 2023.

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 REVERSE the Agency's determination, based on the discussion below.

The SAIF program provides intensive case management to certain WFNJ recipients who have complied with their work requirements, are not eligible for a WFNJ time-limit exemption pursuant to N.J.A.C. 10:90-2.4, and have not reached self-sufficiency. See N.J.A.C. 10:90-2.20(a).

In relevant part, pursuant to N.J.A.C. 10:90-2.4(a)(3) "[a] WFNJ TANF/GA recipient shall be exempted from the 60-cumulative-month time limit if the recipient is: [p]ermanently disabled, including, but not limited to, a person eligible for disability insurance benefits under Title II or Title XVI of the Federal



Social Security Act [SSA] or persons who have never completed an application for SSI [Supplemental Security Income] benefits, or did not appeal a denial by SSA.”

Pursuant to N.J.A.C. 10:90-2.4(a)(3)(i) a WFNJ recipient is exempt from the 60-month cumulative lifetime WFNJ limit if a “physical or mental impairment, defect or injury prevents him or her from engaging in full-time employment for a period of 12 or more months ... on a minimum of one WFNJ/MED-1, Examination Report.”

Here, I concur with the ALJ's conclusion that Petitioners “failed to begin and attend the SAIF program.” See Initial Decision at 9. However, based on an independent review of the record, I find that Petitioners had valid 12-month MED-1 forms executed and dated prior to the Agency’s December 1, 2022, termination of their WFNJ/TANF benefits for failure to comply with SAIF, and that Petitioners had advised the Agency in November of 2022, that they had obtained such MED-1 forms. See Exhibits P-1 through P-4, R-2, R-2A, R-3, R-3A. Therefore, I also find that Petitioners were exempt from the WFNJ lifetime limit, and not required to participate in the SAIF program. See N.J.A.C. 10:90-2.4(a)(3)(i), -2.20(a). Based on the foregoing, I conclude that Petitioners had good cause for failing to comply with SAIF, and accordingly, I hereby reverse the Agency’s termination of Petitioners’ WFNJ/TANF benefits. See N.J.A.C. 10:90-2.20(d); see also Exhibits R-2, R-2A. Further, the Agency is directed to provide Petitioners with WFNJ/TANF benefits retroactive to January 1, 2023. The Initial Decision is modified to reflect these findings.

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

Officially approved final version. May 03, 2023

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Natasha Johnson  
Assistant Commissioner

