



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 12795-23 G.S.

AGENCY DKT. NO. C127266003 (BURLINGTON 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"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that she had exhausted her lifetime limit for said benefits, and terminated Petitioner's EA benefits because she was not a WFNJ, nor an Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 21, 2023, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 22, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter to the Agency, based on the following discussion. Here, the record indicates that Petitioner has exhausted her 60-month cumulative lifetime limit of WFNJ/TANF benefits, having received 62 months of said benefits. See Initial Decision at 4; see also Exhibit B at 1, and N.J.A.C. 10:90-2.3(a). Although the record reflects that Petitioner had failed to provide any documentation to indicate that she qualified for an exemption from, or extension of, the WFNJ/TANF benefits lifetime limit, based on the testimony and documentation provided, the ALJ found that Petitioner may indeed qualify for an exemption from, or an extension of, said life-time limit. See Initial Decision at 3-6; see also Exhibit P-1 at 1-3, and N.J.A.C. 10:90-2.4, -2.5. Specifically, the ALJ found that Petitioner may qualify for additional WFNJ/TANF benefits based on the following: that she may have a permanent disability (which must be substantiated by a 12-month MED-1 form), that she may be chronically unemployable, that she may be the victim of domestic violence, and that she and her dependent children may suffer extreme hardship or incapacity if WFNJ/TANF benefits are terminated, none of which appear to have been considered by the Agency prior to its termination. See Initial Decision at 6-8; see also N.J.A.C. 10:90-2.4(3)(i), (4), (5), and 10:90-2.5(a)(1). Based on the foregoing, the ALJ concluded that the Agency's determination must be reversed, and the matter remanded to the Agency to determine if Petitioner qualifies for any exemption from, or extension of, the lifetime limit of WFNJ benefits. See Initial Decision at 8; see also Exhibit B at 2-6. I agree.



The record also reflects that Petitioner's EA benefits were terminated because she was no longer a WFNJ benefits recipient and was not an SSI benefits recipient. See Initial Decision at 5; see also Exhibit D, and N.J.A.C. 10:90-6.2(a)(limiting eligibility for EA benefits to WFNJ and SSI benefits recipients). Based on the ALJ's above conclusion, the ALJ further concluded that the Agency's termination of Petitioner's EA benefits must be reversed, pending the outcome of the Agency's reevaluation for an exemption from, or extension of, the lifetime limit of WFNJ benefits. See Initial Decision at 8. I also agree.

Based on the foregoing, the Agency is directed to reevaluate Petitioner's eligibility for continued WFNJ/TANF benefits on an expedited basis, and if Petitioner is denied an exemption from, or extension of, the lifetime limit of WFNJ benefits, the Agency shall properly notice Petitioner of such denial and consequent termination of WFNJ/TANF and EA benefits. See N.J.A.C. 10:90-9.1. The relevant regulations and Division of Family Development Instruction ("DFDI") upon which the Agency shall rely are, N.J.A.C. 10:90-2.4(3)(i), (4), (5), N.J.A.C. 10:90-2.5(a)(1), N.J.A.C. 10:90-2.20, and DFDI No. 12-05-03.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is REVERSED, and the matter REMANDED to the Agency, as outline above.

Officially approved final version. November 30, 2023

Natasha Johnson
Assistant Commissioner

