



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **04820-23 P.F.**

AGENCY DKT. NO. **C354684007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits and the denial of Emergency Assistance ("EA") benefits. Upon a redetermination for continued WFNJ/GA benefits, the Agency terminated Petitioner's WFNJ/GA benefits, contending that he 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. On July 11, 2023, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 12, 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 the Agency's determination, based on the discussion below.

The SAIF program provides intensive case management to certain WFNJ recipients who have received at least 48 months of WFNJ benefits, 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.”

Only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, while I concur with the ALJ’s finding that Petitioner failed to begin and attend the SAIF program, and ultimate conclusion that the Agency’s denial of WFNJ/GA benefits to Petitioner was proper and must stand, I disagree with ALJ’s legal analysis. See Initial Decision at 2-4. Rather, based on an independent review of the record, I find that Petitioner was required to participate in the SAIF program unless otherwise exempt from such requirement. See Initial Decision at 2; see also Exhibit R-1 at 15, 20, 23, and N.J.A.C 10:90-2.4, -2.20(a), (c). I take official notice that records of this office indicate that Petitioner has received at least 66months of WFNJ/GA benefits. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Specifically, in order to be exempt from the SAIF program, Petitioner was required to provide the Agency with a MED-1 form indicating a 12-month disability. See Initial Decision at 2; see also N.J.A.C. 10:90-2.4(a)(3)(i), and N.J.A.C. 10:90-2.20. Of note, an SSI application pending approval or appeal is not necessary for an exemption from participation in the SAIF program. See Initial Decision at 2-3; see also N.J.A.C. 10:90-2.4(a)(3). The record indicates, and the ALJ found, that Petitioner had failed to provide the Agency with a 12-month MED-1 form. See Initial Decision at 3; see also Exhibit R-1 at 16. Based on the foregoing, I find that Petitioner is not exempt from participation in the SAIF program, and that she failed to participate in said program, without good cause. See Initial Decision at 2-3; see also N.J.A.C. 10:90-4.10, and N.J.A.C. 10:90-2.20(f). Accordingly, on those bases, I conclude that the Agency’s termination of Petitioner’s WFNJ/GA benefits was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 9-13. The Initial Decision is modified to reflect these findings.

Additionally, the transmittal in this matter also indicates a contested issue pertaining to the denial of EA benefits to Petitioner. That issue was not addressed by the ALJ in the Initial Decision. However, based on my conclusion above, I find that Petitioner is ineligible for EA benefits as she is neither a WFNJ, nor an SSI, benefits recipient, and on that basis, I conclude that the Agency’s denial of EA benefits to Petitioner was also proper and must stand. See N.J.A.C. 10:90-6.2(a). The Initial Decision is also modified to reflect this finding.

By way of comment, it appears that Petitioner has exhausted her 60-month lifetime limit of WFNJ/GA benefits, and does not have a 12-month MED-1 form required to exempt Petitioner from said lifetime limit, and on that basis, Petitioner may also be ineligible for WFNJ/GA benefits. See N.J.A.C. 10:90-2.3(a), -2.4(a)(3)(i).

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

Officially approved final version. August 22, 2023

Natasha Johnson
Assistant Commissioner

