



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*Lt. Governor*

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 **00004-24 C.F.**

AGENCY DKT. NO. **C167893003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits, due to failure to comply with program requirements in a timely manner. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was originally scheduled for February 26, 2024, but was adjourned at the request of the parties. The matter was rescheduled for February 29, 2024, and after a discussion between the parties, the Agency indicated that it would rescind the denial of WFNJ/GA benefits. Thereafter, the Agency advised that it would not rescind the denial, due to noncompliance with the mandatory Supportive Assistance to Individuals and Families ("SAIF") program. See Initial Decision at 2. The hearing was then again rescheduled, and on March 13, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 27, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on April 2, 2024. Petitioner filed a Reply to Exceptions on April 3, 2024.

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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

The SAIF program assists eligible WFNJ recipients to become self-sufficient before they exhaust their 60-month WFNJ lifetime limit. See N.J.A.C. 10:90-2.20(a). The 24-month program offers intensive case management to individuals who have received 48 months of WFNJ benefits, who have complied with WFNJ requirements, have not become self-sufficient, and who do not appear to be exempt from the 60-month lifetime limit under N.J.A.C. 10:90-2.4. *Ibid.* SAIF participants are eligible for an extension of WFNJ cash benefits, social, and work support services for up to 12 additional months beyond the 60-month lifetime limit, or a maximum of 72 months. See N.J.A.C. 10:90-2.20(c) and (g). Failure to begin, or continue to participate in an assigned activity, without good cause, shall be considered a refusal to cooperate and result in sanctioning and penalties being imposed, in accordance with N.J.A.C. 10:90-4.13 through N.J.A.C. 10:90-4.18. See N.J.A.C. 10:90-2.20(f).

Here, an independent review of the record reflects that Petitioner applied for WFNJ/GA benefits on July 24, 2023. See Initial Decision at 2; see also Exhibit R-A. The record reveals that Petitioner, at the time of her application, had received 51 months of WFNJ benefits, and as such, participation in the SAIF program became mandatory. See Initial Decision at 2; see also N.J.A.C. 10:90-2.20. As a result, when the Agency sent Petitioner a list of items Petitioner needed to submit in order to determine eligibility, it was further stated that Petitioner was to contact a specific person at the



Agency regarding the WFNJ/GA time limit. See Exhibit R-B. Further, the notice clearly stated if Petitioner did not contact the Agency by August 13, 2023, it would be assumed that Petitioner was no longer interested in completing the application process. Ibid. The record also reflects, and Petitioner in fact admitted, that she did not contact the requisite individual at the Agency, until November 28, 2023. See Initial Decision at 3, 4. The ALJ in this matter relies on the suspension of the 28-day protocol. See Initial Decision at 4; see also N.J.A.C. 10:901.2(f)(8) and DFD Instruction (“DFDI”) 23-09-23. The ALJ’s reliance on the suspension of the 28-day protocol is misplaced, however, as the suspension of the protocol only sets aside the 28-day wait period for WFNJ/GA benefits, during which an applicant would previously have needed to participate in a work activity before receiving a first WFNJ/GA cash benefits payment, and is not applicable in this case. Based on the facts as stated in this matter, and following an independent review of the record, it is clear that Petitioner failed to take the necessary steps to comply with the SAIF program, specifically, by not timely reaching out to the requisite worker, and indeed, Petitioner did not do so until four months following her WFNJ/GA application. Accordingly, I find that the Agency’s denial of WFNJ/GA benefits to Petitioner for failure to take the necessary steps to comply with the SAIF program was proper and must stand. See N.J.A.C. 10:90-2.20. The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/GA benefits, but must comply with all mandatory program requirements.

By way of further comment, Replies to Exceptions are not permitted in DFD fair hearings. See N.J.A.C. 1:10-18.2. Moreover, Petitioner included documents with her Reply to Exceptions which were not introduced before the ALJ at the hearing. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ.

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

Officially approved final version. April 30, 2024

---

Natasha Johnson  
Assistant Commissioner

