



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 **14318-25 A.M.**

AGENCY DKT. NO. **C757296007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits, and the subsequent denial of EA benefits because he was no longer a Work First New Jersey ("WFNJ") benefits recipient. Petitioner's WFNJ/TANF benefits had been terminated for failure to comply with the Supportive Assistance for Individuals and Families ("SAIF") program. Petitioner's EA benefits had been terminated at an earlier date, and a six-month EA ineligibility penalty had been imposed for Petitioner's failure to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. Beginning on August 20, 2025, and continuing on August 22, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 25, 2025, the ALJ issued an Initial Decision, finding that, while no present emergency exists, any six-month ineligibility penalty for WFNJ/TANF or EA benefits should be reversed.

No Exceptions to the Initial Decision were received.

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 Supportive Assistance for Individuals and Families ("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. N.J.A.C. 10:90-2.20(c) and (g). Further, "[t]he individual shall fully participate in the SAIF program to continue receiving case assistance benefits. If a SAIF participant fails to cooperate with SAIF requirements without good cause, the WFNJ case shall be closed."

At the outset, it should be noted that this Petitioner had a previous fair hearing before ALJ Thomas R. Betancourt, under OAL Docket number HPW 08097-25, on July 21 and 22, 2025, involving the termination of EA benefits and the imposition of a six-month period of ineligibility for EA benefits due to Petitioner's failure to comply with his EA SP. See Exhibit R-1. In the Initial Decision resulting from that proceeding, ALJ Betancourt found that Petitioner had violated his EA SP by failing to submit job searches or any apartment searches, without good cause shown for his noncompliance. Ibid. Moreover, the record shows that Petitioner was advised by the Agency of what was needed to come into compliance, as well as



ALJ Betancourt having postponed the fair hearing so that Petitioner could submit proof of several apartment options he had purportedly located, yet Petitioner took no affirmative action to remedy the situation. See Exhibit R-1. As such, ALJ Betancourt affirmed the Agency's termination of EA benefits, and the imposition of a six-month period of ineligibility for EA benefits, based on the EA SP violations. Ibid.; see also N.J.A.C. 10:90-6.6(a). In a Final Agency Decision issued by this office on August 7, 2025, the Initial Decision was adopted, and the Agency's determinations were affirmed. See Exhibit R-1. Notably, both ALJ Betancourt's Initial Decision, and the August 7, 2025 Final Agency Decision, are in the record for the present matter, yet it is unclear if ALJ Baron reviewed either, as his Initial Decision makes no reference, nor citation, to either one. New Jersey Court Rules require that any review or appeal from a final decision of a state administrative agency must be made to Superior Court of New Jersey, Appellate Division. See N.J. Ct. R. 2:2-3(a)(2). The contact information for the Superior Court of New Jersey, Appellate Division was included in the cover letter which accompanied the August 7, 2025 Final Agency Decision and a copy is also in the record for this case, however, there is no indication in the record that Petitioner properly appealed the August 7, 2025 Final Agency Decision to the Superior Court of New Jersey, Appellate Division. See Exhibit R-1. As such, it is inappropriate to relitigate a matter which has already been heard and properly adjudicated before the OAL, for which a Final Agency Decision was rendered, and for which no proper appellate review has been sought. Therefore, as no appellate review has been sought, the August 7, 2025 Final Agency Decision, affirming the termination of Petitioner's EA benefits and the imposition of a six-month period of ineligibility for EA benefits, remains in force as issued, with Petitioner's six-month EA penalty running from the issuance date of the Final Agency Decision, August 7, 2025, through February 7, 2026. Ibid. The Initial Decision is modified to reflect the above findings.

Additionally, the ALJ in the present matter states that a six-month penalty is applicable to WFNJ/TANF benefits. See Initial Decision at 4, 5, 6. This is incorrect, however, as a six-month ineligibility penalty is only applicable to EA benefits, and not cash benefits. The Initial Decision is further modified to reflect these findings.

By way of comment, Petitioner is without prejudice, however, to reapply for WFNJ/TANF benefits, if he has not already done so.

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

Officially approved final version. August 28, 2025

Natasha Johnson
Assistant Commissioner

