



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 15942-25 N.B.

AGENCY DKT. NO. C039040005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioners ("N.B" and "A.G.") appeal 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 Petitioners' WFNJ/TANF benefits due to a sanction, contending that Petitioners failed to comply with the required WFNJ work activity necessary to lift the sanction, and terminated Petitioners' EA benefits due to purported noncompliance with their EA service plans ("SPs") for failing to comply with the WFNJ work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 16, 2025, the Honorable Kathleen M. Calemmo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 22, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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

In order to maintain eligibility for receipt of WFNJ benefits, a recipient must cooperate with, and participate in, the WFNJ work activity requirements. See N.J.A.C. 10:90-4.1(a). If a WFNJ recipient fails to comply with their work activities without good cause, the recipient is subject to a sanction resulting in a pro-rata reduction of WFNJ benefits for the first month. See N.J.A.C. 10:90-4.13(b). For a WFNJ/TANF benefits recipient, the pro-rata reduction of benefits shall continue for six months. See DFD Instruction number 24-03-04. Thereafter, if the WFNJ benefits recipient is still non-compliant, without good cause, the WFNJ benefits will be suspended for one month. See N.J.A.C. 10:90-4.13(b)(1). If the non-compliance continues, the recipient's case will close the month after the suspension of WFNJ benefits. See N.J.A.C. 10:90-4.13(b)(2).

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the creation of and complying with a written and signed service plan. Ibid. If a recipient fails to comply with the service plan, without good cause, then the recipient's EA benefits must be terminated for a period of six months. Ibid.

Here, in accordance with regulatory authority, Petitioner and her household member ("A.G.") were required to participate in a WFNJ work activity. See Initial Decision at 3; see also Exhibit R-2, and N.J.A.C. 10:90-2.2(a)(2). Between December, 2024 and July, 2025, Petitioner and A.G. were sanctioned three times due to non-compliance with their participation



in a WFNJ work activity. See Initial Decision at 3; see also Exhibit R-2 and N.J.A.C. 10:90-4.13. Petitioner and A.G. failed to come into compliance in order to lift the sanction, and by Notice dated August 22, 2025, their EA benefits were terminated. See Initial Decision at 3; see also Exhibit R-1. Although Petitioner and A.G. testified that they could not attend their work activity due to issues with transportation and childcare, the ALJ found that they did not have good cause for their failure to attend because transportation funds were provided, as well as a referral for childcare assistance. See Initial Decision at 3; see also Exhibits R-1, R-2. The ALJ concluded that Petitioner and A.G. were aware of their requirement to comply with their work activity and SP, and that they had failed to comply, without good cause. *Ibid.*

Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's and A.G.'s WFNJ/TANF benefits, for failure to come into compliance and lift a sanction, and the termination of EA benefits for failure to comply with their SPs, and the imposition of a six-month period of ineligibility for EA benefits for said noncompliance, were proper and must stand. See Initial Decision at 2, 4; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-4.13(a), -6.6(a). Based on an independent review of the record, I agree.

By way of comment, the Agency shall refer Petitioners to any and all agencies and organizations that may be able to assist with their current needs, including Social Services for the Homeless.

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

Officially approved final version. December 17, 2025

Natasha Johnson
Assistant Commissioner

