



State of New Jersey

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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 **05704-26 D.J.**

AGENCY DKT. NO. **C197674003 (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's application for WFNJ/GA benefits contending that she is a college student, and therefore ineligible for said benefits, as well as that, at the time of application, Petitioner's income exceeded the maximum initial income allowable for eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 21, 2026, the Honorable Carl V. Buck III, Administrative Law Judge, ("ALJ"), held the telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow for the submission of additional documentation and closed on July 22, 2026. On August 10, 2026, 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 ("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 MODIFY the Agency's determination, based on the discussion below.

Initial financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's ("AU") countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). If an employable WFNJ/General Assistance ("GA") AU has income that is equal to or less than the maximum allowable income level, then financial eligibility exists. See N.J.A.C. 10:90-3.1(b) and -3.5(a). The maximum allowable income level for an employable WFNJ/GA benefits AU that consists of one individual is \$278 per month. See N.J.A.C. 10:90-3.6(b) and DFD Informational Transmittal ("DFD IT") No. 19-21.

It should be noted that while N.J.A.C. 10:90-2.11(b)(3) outlines the eligibility criteria for college students seeking WFNJ/GA benefits, this regulation was superseded by the 2013 Appropriations Act ("Act"), P.L. 2012, c.18. Pursuant to the Act, college students became ineligible for WFNJ/GA benefits as of July 1, 2012. Ibid.; see also FY 2014 Appropriations Act (P.L. 2012, c.77), and DFD Instruction ("DFDI") No. 12-08-03. The Appropriations language prohibiting the extension of WFNJ/GA benefits to those single adults enrolled in college has been extended in each successive fiscal year budget cycle, including the 2026 budget. See <https://www.nj.gov/treasury/omb/publications/26budget/S2026.pdf> at page 183 ("Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Cost of General Assistance and General Assistance Emergency Assistance Program are subject to the following condition: no funds shall be expended to provide benefits to recipients enrolled in college. For purposes of this provision, "college" is defined at N.J.A.C. 9A:1-1.2.").



Here, the record reflects that Petitioner applied for WFNJ/GA benefits on February 3, 2026, at which time she reported no earned income and unearned income from Unemployment Insurance Benefits ("UIB"). See Initial Decision at 2; see also Exhibit R-1. Petitioner also reported attending college full-time, and therefore the Agency sent Petitioner a request for verification, requesting additional information in order to determine eligibility pursuant to N.J.A.C. 10:90-1.6, -2.2(a). See Initial Decision at 3; see also Exhibit R-1. Thereafter Petitioner submitted various documentation regarding her college enrollment. See Initial Decision at 3. Separately, on March 23, 2026, the Agency verified that Petitioner received a payment of \$860 UIB on February 1, 2026. Ibid. On March 23, 2026, the Agency issued a denial notification, indicating that Petitioner was ineligible for receipt of WFNJ/GA benefits, due to her being a full-time college student, and additionally because her February, 2026 UIB unearned income exceeded the maximum initial income limit for eligibility for receipt of WFNJ/GA. Ibid.; see also Exhibit R-1.

The ALJ in this matter, analyzing the case under N.J.A.C. 10:90-2.11(b)(3), and N.J.A.C. 10:87-3.14(a), found that Petitioner was a full-time college student, and did not meet the requirements of N.J.A.C. 10:90-2.11(b)(3)(iv), specifically that she was not employed for a minimum of 20 hours per week and receiving earnings at least equal to Federal minimum wage. See Initial Decision at 4-5. Therefore, the ALJ agreed with the Agency's determination that Petitioner was ineligible to receive WFNJ/GA benefits. Id. at 6; see also N.J.A.C. 10:90-2.11(b)(3). While I agree with the ALJ's final conclusion, both the Initial Decision and the Agency determination are modified to reflect that the proper legal analysis, and basis for the Agency's denial, is under the Appropriations Act, as the regulatory authority relied upon by the ALJ has been superseded by the Appropriations Act, and on that basis, I find that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. See 2013 Appropriations Act (P.L. 2012, c.18), FY 2026 Appropriations Act (P.L. 2025, c.74), DFDI No. 12-08-03.

Further, the ALJ found that Petitioner was ineligible for WFNJ/GA benefits as her unearned income from UIB, for February, 2026, exceeded the maximum benefit level, of \$278, for receipt of WFNJ/GA benefits. See Initial Decision at 4-6; see also Exhibit R-1, N.J.A.C. 10:90-3.5(b), and DFD IT No. 19-21. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. Ibid. I agree, but the Initial Decision is further modified to reflect that the correct income amount for eligibility at the time of initial application for an employable individual is \$278, rather than \$321, as stated in the Initial Decision.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/GA benefits, should her circumstances change.

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

Officially approved final version. September 24, 2026

Natasha Johnson
Assistant Commissioner

