



State of New Jersey

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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 **02959-26 N.W.**

AGENCY DKT. NO. **C526310002 (BERGEN COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Supplemental Nutrition Assistance Program ("SNAP") benefits, and the denial of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA and SNAP benefits, contending that she is a full-time college student, and therefore ineligible for said benefits. The Agency denied Petitioner's application for EA benefits contending that she was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 24, 2026, the Honorable William J. Courtney, Administrative Law Judge, ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 26, 2026, the ALJ issued an Initial Decision, reversing the Agency's termination of WFNJ/GA benefits, and affirming the Agency's determination as to EA benefits, on other grounds.

Exceptions to the Initial Decision were received on behalf of the Agency on February 27, 2026.

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 REJECT the ALJ's Initial Decision and AFFIRM the Agency's determinations, based on the discussion below.

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outlines the eligibility criteria for college students seeking WFNJ/GA benefits, this regulatory provision was superseded by the 2013 Appropriations Act ("Act"), P.L. 2012, c.18.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 2025 budget. See <https://www.nj.gov/treasury/omb/publications/25approp/AppropriationsHandbookFull.pdf> at B-146 ("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.").

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

Here, the record reflects that Petitioner began receiving SNAP benefits in September, 2025, and enrolled as a full-time college student in November, 2025, with her course work beginning in January, 2026. See Initial Decision at 3. The Agency terminated Petitioner's SNAP benefits in January, 2026, however, such benefits have now been reinstated, as the



Agency found that the college program that Petitioner is attending satisfies the specific regulatory criteria which allows for receipt of SNAP benefits by college students at N.J.A.C. 10:87-3.14(d)(7). Ibid.

In addition, Petitioner began to receive WFNJ/GA benefits around September, 2025, and thereafter, in November, 2025 she enrolled as a full-time college student, with her coursework beginning in January, 2026. See Initial Decision at 3. After the Agency became aware of Petitioner's status as a full-time college student, her WFNJ/GA benefits were terminated effective February 1, 2026, in accordance with the Appropriations Act language cited above. Ibid. The ALJ in this matter analyzed the case under N.J.A.C. 10:90-2.11, specifically citing to the Office of Administrative Law Note which follows the regulatory language, and finding that the regulatory language is inapplicable in this matter, as N.J.A.C. 10:90-2.11 refers to residency requirements rather than student status, thereby concluding that the issue is whether Petitioner's course of study satisfies the WFNJ work requirement provisions at N.J.A.C. 10:90-4.1. See Initial Decision at 4-5.

Respectfully, I disagree. While placement of the student eligibility language, as well as the Office of Administrative Law Note, within the residency requirements regulation may be debatable, same has clearly led to a misinterpretation of the applicable law by the ALJ in this matter, and as such, I must reject the ALJ's conclusion as to Petitioner's eligibility for WFNJ/GA benefits. Ibid.; see also N.J.A.C. 10:90-2.11(b)(3). The ALJ's conclusion must be rejected as the proper legal analysis, and basis for the Agency's denial, falls under the Appropriations Act, which supersedes the regulation relied upon by the ALJ, and prohibits WFNJ/GA benefits, as well as EA benefits, to single adult college students, and on that basis, I find that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 5-7; see also Exhibit R-1, 2013 Appropriations Act (P.L. 2012, c.18), FY 2025 Appropriations Act and DFDI No. 12-08-03.

Lastly, at the time of the hearing, the Agency representative testified that Petitioner's EA application was denied January 27, 2026, due to her not being a WFNJ benefits recipient following the termination of her WFNJ/GA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.2(a) and Exhibit R-1 at 13. While the ALJ found that the Agency was correct to deny Petitioner EA benefits based on a failure to provide certain documentation, the ALJ found that Petitioner should be eligible for EA benefits, if she reapplies for such benefits, based upon his erroneous conclusion that Petitioner should be eligible for WFNJ/GA benefits. See Initial Decision at 6. As outlined above, I find that Petitioner is ineligible for WFNJ/GA benefits, and therefore, by extension, she is also ineligible for EA benefits, and as such, the Agency's denial of EA benefits to Petitioner was proper and must stand. See N.J.A.C. 10:90-6.2(a).

Accordingly, the Initial Decision is hereby REJECT the ALJ's Initial Decision, and the Agency's determinations are AFFIRMED, as outlined above.

Officially approved final version. March 10, 2026

Natasha Johnson
Assistant Commissioner

