



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 **08750-26 Z.J.**

AGENCY DKT. NO. **C103928018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/GA benefits because Petitioner failed to take necessary steps to comply with the required work activity, and thereafter terminated Petitioner's EA benefits as he had exhausted his lifetime limit of EA benefits and because he was no longer a WFNJ benefits recipient, nor was he a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 16, 2026, the Honorable Advia Knight Foster, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 30, 2026, 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 determinations, 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). 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). Following the loss of WFNJ cash assistance benefits due to noncompliance with work activities, the individual must re-apply for WFNJ benefits, satisfactorily complete sanction obligations and comply with work activities in order to be eligible for WFNJ benefits. See N.J.A.C. 10:90-2.2(e).

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/GA benefits is found to exist, financial eligibility continues to exist so long as the total countable income of the employable WFNJ/GA assistance unit ("AU"), with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8(b) for earned income, is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). For an employable assistance unit of one, the maximum allowable benefit level is \$185. *Ibid.*; see also DFD Informational Transmittal ("DFD IT") No. 19-21.



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

EA benefits are limited to 12 months, plus limited extensions for an "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4(b); see also N.J.S.A. 44:10-51. Specifically, a WFNJ/GA recipient may qualify for an additional six months of EA when an "extreme hardship" exists. Ibid. Thus, the maximum amount of EA that a WFNJ/GA benefits recipient may receive is 18 months.

Here, the record reveals that Petitioner began to receive WFNJ/GA benefits, and EA benefits, on April 25, 2025. See Initial Decision at 2. On October 27, 2025, Petitioner was evaluated for a work activity by the Agency, who made such determination on December 13, 2025. Ibid. Thereafter, on December 23, 2025, Petitioner requested to be referred to the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program. Ibid.; see also Exhibit R-3. On January 28, 2026, the SAI/BHI file was closed due to no response from Petitioner. See Initial Decision at 3.

On January 23, 2026, the Agency notified Petitioner that he was scheduled for mandatory employment training, as a condition of receipt of WFNJ/GA benefits. See Initial Decision at 3; see also Exhibit R-2. Petitioner failed to attend the scheduled assessment on January 26, 2026 and on the following date, went to the Agency to request a MED-1 form, at which time he was informed he was not eligible for a MED-1. See Initial Decision at 3; see also Exhibit R-3. On February 13, 2026, Petitioner again went to the Agency to request a MED-1 form, at which time he was informed he was ineligible. See Initial Decision at 3. Also on that date, the Agency informed Petitioner that he could be referred either to the employment training program or to SAI/BHI. Ibid. Petitioner chose to be referred to SAI/BHI. Ibid. On February 18, 2026, the Agency was informed Petitioner failed to attend his SAI/BHI appointment. See Initial Decision at 3; see also Exhibit R-6. That same day, Petitioner informed the Agency that he did not wish to attend SAI/BHI, and he was informed he must attend the employment training program as a mandatory requirement for receipt of WFNJ/GA benefits. See Initial Decision at 3; see also Exhibit R-3. On February 19, 2026, Petitioner was notified of an employment and training program that was beginning March 2, 2026, and that attendance was mandatory for continued receipt of benefits. See Initial Decision at 3; see also Exhibit R-2. Petitioner did complete a SAI/BHI assessment on February 24, 2026, at which time it was determined he did not require any SAI/BHI services and his SAI/BHI case was closed. See Initial Decision at 3-4.

On February 27, 2026, the Agency notified Petitioner it was mandatory that he attend the employment training sessions beginning March 2, 2026, which sessions would occur daily on weekdays, either in person or virtually. See Initial Decision at 4. The program provided for two unexcused absences; however, Petitioner only attended the program on March 2, 2026 and March 3, 2026, and thereafter had eighteen unexcused absences. Ibid.; see also Exhibit R-2. On March 13, 2026, the Agency informed Petitioner that, due to his absences, he was no longer eligible to attend sessions during the month of March, and he would have to re-enroll in the program. See Initial Decision at 4; see also Exhibit R-6. Thereafter, Petitioner informed the Agency that he was volunteering at a non-profit organization and on March 19, 2026, the Agency requested that Petitioner provide documentation from the organization indicating that there would be a promise of employment following the volunteering period. See Initial Decision at 4; see also Exhibit R-5.

On March 19, 2026, after Petitioner failed to attend all but two of the required employment training sessions, the Agency informed him that his WFNJ/GA benefits would be sanctioned for the month of April, 2026. See Initial Decision at 4-5; see also Exhibit R-6, and N.J.A.C. 10:90-4.13(b). On April 16, 2026, the Agency notified Petitioner that his WFNJ/GA benefits would be terminated, based upon his failure to comply with the program's work requirements. See Initial Decision at 5; see also Exhibit IM Unit. Accordingly, the ALJ concluded that the Agency's determination to terminate Petitioner's WFNJ/GA benefits for failure to comply with the program work requirements was proper and must stand. See Initial Decision at 5-7. I agree.

Additionally, based on the above conclusion, the ALJ found that the Agency's termination of EA benefits to Petitioner, on the basis that he was not a WFNJ or SSI benefits recipient, as well as that he had received the lifetime limit of EA benefits, made him ineligible for receipt of such benefits, was proper and must stand. See Initial Decision at 4-7; see also Exhibits IM Unit, R-8, R-9, and N.J.A.C. 10:90-6.2(a). I also agree. Further, the ALJ found that on May 13, 2026, Petitioner applied for a hardship extension of EA benefits, at which time the Agency discovered that he had been employed since March, 2026, and earning a salary which would make him ineligible for receipt of WFNJ/GA benefits, and therefore, ineligible for receipt of EA benefits. Ibid.; see also Exhibits R-10, R-11 and N.J.A.C. 10:90-3.5(b), -6.2(a).

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



Officially approved final version. September 02, 2026

Natasha Johnson
Assistant Commissioner

