



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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 1634-15 D.L.

AGENCY DKT. NO. GA369682 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals the Respondent Agency's denial of Work First New Jersey/General Assistance because she is currently enrolled in college. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 25, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 6, 2015, the ALJ issued an Initial Decision which reversed the Agency determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I REJECT the Initial Decision and AFFIRM the Agency determination.

I note that WFNJ applicants and recipients enrolled in college are not eligible for WFNJ/GA benefits. While N.J.A.C. 10:90-2.11(b)(3) explains the eligibility criteria for college students seeking WFNJ/GA benefits, this regulation was superseded by the 2013 Appropriations Act P.L. 2012, c. 18. 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 proposed budget for Fiscal Year 2016. See <http://www.state.nj.us/treasury/omb/publications/16budget/pdf/FY16BudgetBook.pdf> at D-212.

As such, the ALJ incorrectly relies upon N.J.A.C. 10:90-2.11(b)(3). Because Petitioner is a college student, she is ineligible for WFNJ/GA benefits.

Accordingly, the Initial Decision is REJECTED and the Agency determination is AFFIRMED.

MAY 11 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director