



**State of New Jersey**

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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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 11756-15 K.S.

AGENCY DKT. NO. GA592469 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits contending that he had received his 60 month lifetime limit of WFNJ benefits and that he failed to comply with his required WFNJ work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2015, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 17, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision WITH CONTINGENCIES and REVERSE the Agency's determination.

Eligibility for WFNJ/GA cash assistance benefits shall commence after the applicant has completed a minimum of 28 days in an employment-related activity through Labor and Workforce Development. An applicant's failure to comply with the employment-related activity requirement, without good cause, shall result in a denial of the applicant's WFNJ/GA application and a 30-day period of ineligibility. N.J.A.C. 10:90-1.2(f)(8).

"Eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual." N.J.A.C. 10:90-2.3(a). "At the end of an individual adult recipient's 60 cumulative months of receipt of cash assistance, the assistance unit shall no longer be eligible to receive [WFNJ] assistance." N.J.A.C. 10:90-2.3(a)(1).

The record shows that Petitioner was receiving WFNJ/Temporary Assistance for Needy Families ("TANF") benefits for 18 months as part of an assistance unit that consisted of himself, his girlfriend, and their children. See Initial Decision at 2. The record further shows that Petitioner left that assistance unit seven months ago. *Ibid.* Thereafter, Petitioner applied for WFNJ/GA, and was denied because his prior assistance unit had received 85 months of WFNJ benefits, and their benefits were terminated due to having received their lifetime limit of WFNJ benefits. *Ibid.* However, the ALJ found that since Petitioner has left his prior assistance unit, and only received 18 months of WFNJ/TANF benefits while part of that assistance unit, that the 85 months of WFNJ/TANF benefits could not be ascribed to him, and, therefore, he is entitled to the benefits he seeks. *Id.* at 3; see also N.J.A.C. 10:90-2.3(a).

I agree with, and hereby adopt, the ALJ's conclusion, with the following contingencies. As the record indicates that Petitioner has no work deferral at the present time, Petitioner's receipt of WFNJ/GA cash assistance is contingent upon him first completing the mandatory 28-day work related activity. See N.J.A.C. 10:90-1.2(f)(8).

Accordingly, the Initial Decision is ADOPTED WITH CONTINGENCIES and the Agency's action is REVERSED.

*Signed Copy on File*  
at DFD, BARA

**OCT 26 2015** \_\_\_\_\_  
Natasha Johnson  
Director