



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Jennifer Velez  
*Commissioner*

Jeanette Page-Hawkins  
*Director*  
Tel. (609) 588-2000

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 15843-14 P.D.

AGENCY DKT. NO. GA438896 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner initially appealed from the Respondent Agency's sanction and termination of her Work First New Jersey/General Assistance ("WFNJ/GA") benefits, as well as the sanctioning of her Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Prior to the hearing, the parties agreed that the Agency would rescind the sanctions on Petitioner's WFNJ/GA and SNAP benefits, thereby resolving those two issues. Therefore, the remaining issue of Petitioner's appeal was the termination of Petitioner's WFNJ/GA benefits due to Petitioner having exceeded her lifetime limit of benefits. On January 9, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On January 16, 2015, the ALJ issued his Initial Decision reversing the Agency's determination. The ALJ noted that Petitioner has received a total of 102 months of combined WFNJ benefits, under WFNJ/GA, as well as under WFNJ/Temporary Assistance for Needy Families ("WFNJ/TANF"). See Initial Decision at 2, para. 2-3; see also Exhibit R-1 at 13-14. The ALJ further noted that Petitioner had not been placed in the Supportive Assistance to Individuals and Families ("SAIF") program, because she had been considered to be chronically unemployable. See Initial Decision at 2, para. 4. Further Petitioner did, in fact, have a work history although having reading and math skills below a six grade level. See *id.* at para. 5-9. Based upon these facts, the ALJ concluded the Petitioner "cannot accurately be described as chronically unemployable," having had "successful ongoing employment for a total of approximately seven out of the last thirteen years." See *id.* at 3. However, the

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ALJ opined that Petitioner had not been afforded the assistance she should have received through the SAIF program, thereby concluding that the Agency had improperly terminated Petitioner's WFNJ/GA benefits. See *id.* at 3-4.

Exceptions to the Initial Decision were filed by the Agency on January 30, 2015.

A reply to the Exceptions was filed by counsel to Petitioner on February 3, 2015.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I hereby REJECT the Initial Decision and AFFIRM the Agency's action.

Petitioner was the recipient of benefits from the WFNJ welfare program, N.J.S.A. 44:10-34 et seq., through the Agency. Specifically, Petitioner previously received WFNJ/TANF cash benefits, and most recently received monthly WFNJ/GA benefits, which consist of cash assistance for single adults and couples without dependent children. See N.J.A.C. 10:90-1.1(a) and (b). In order to maintain eligibility for receipt of WFNJ benefits under either program, the recipient must cooperate with, and participate in, the WFNJ work activity requirements. N.J.A.C. 10:90-4.1(a)(2). Failure of WFNJ benefits recipient to cooperate with the WFNJ program, or participate in the work activity, without good cause, or unless deferred, will result in a sanction, meaning a loss of cash assistance. N.J.A.C. 10:90-4.13(a).

Pursuant to N.J.A.C. 10:90-2.3(a), "eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual recipient." See also N.J.A.C. 10:90-1.1(d) ("Assistance benefits provided under WFNJ are time-limited and considered a temporary cash subsidy ...."). However, an individual may receive additional months of cash assistance if he/she qualifies for an exemption to, or extension of, the time limit, as set forth at N.J.A.C. 10:90-2.4 and -2.5 respectively. The goal of WFNJ is to help the recipient achieve self-sufficiency through obtaining employment and removal from the program. See N.J.S.A. 44:10-62(a).

The SAIF program, referenced by the ALJ, assists eligible WFNJ recipients to become self-sufficient before they exhaust their 60-month WFNJ lifetime limit. See N.J.A.C. 10:90-2.20(a). The 24-month program offers intensive case management to individuals who have received 48 months of WFNJ benefits, who have complied with WFNJ requirements, have not become self-sufficient, and who do not appear to be exempt from the 60-month lifetime limit under N.J.A.C. 10:90-2.4. *Ibid.* SAIF participants are eligible for an extension of WFNJ cash benefits, social, and work support services for up to 12 additional months beyond the 60-month lifetime limit, or a maximum of 72 months. N.J.A.C. 10:90-2.20(c) and (g).

The ALJ in this matter incorrectly determined Petitioner's eligibility for the SAIF program, and by extension, her eligibility for continued WFNJ benefits. The general

SAIF program guidelines in N.J.A.C. 10:90-2.20(c) and (a) do not apply to Petitioner

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because she previously exhausted WFNJ eligibility and would be limited to a maximum of two 6-month extensions. N.J.A.C. 10:90-2.20(j); -2.5(a). Stated otherwise, there is no support for the erroneous conclusion that successful completion of the 24-month SAIF program is a condition precedent to termination of WFNJ benefits, thereby superseding the 60-month cumulative lifetime limit in N.J.A.C. 10:90-2.3(a)(1), the exemption provisions in N.J.A.C. 10:90-2.4, and the extension provisions in N.J.A.C. 10:90-2.5.

Based upon a review of the record in this matter, I find that the Agency appropriately terminated Petitioner's WFNJ benefits based upon the exhaustion of the 60-month cumulative lifetime limit as it is clear that Petitioner has reached, and well exceeded, her lifetime 60-month cumulative total. Moreover, Petitioner has surpassed the 72-month cumulative total envisioned by the SAIF program as discussed above. Additionally, Petitioner has not established eligibility for an exemption to, or an extension of, the lifetime limit which would make her eligible for continued WFNJ benefits. Petitioner may reapply for an exemption or extension without prejudice, subject to applicable eligibility criteria.

By way of comment, for the benefit of Petitioner's counsel, I note that replies to exceptions or cross-exceptions are not permitted in DFD hearings. See N.J.A.C. 1:10-18.2.

Accordingly, the Initial Decision in this matter is REJECTED and the Agency's action is hereby AFFIRMED.

*Signed Copy on File*  
at DFD, BARA

**FEB 27 2015**

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Jeanette Page-Hawkins  
Director