



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 06898-18 M.L.

AGENCY DKT. NO. S412678010 (HUNTERDON COUNTY BD. 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 contending that she exhausted the lifetime limit of said benefits and failed to provide proof of a current Supplemental Security Income ("SSI") application, or appeal pending, to extend her benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for June 5, 2018, but was adjourned. The case was rescheduled for June 26, 2018, but was again adjourned. Finally, on July 10, 2018, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record closed after submissions by the parties on July 18, 2018. On July 27, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, as discussed below.

In relevant part, pursuant to N.J.A.C. 10:90-2.2(a)(3), as a condition of eligibility for WFNJ cash benefits, the applicant/recipient must apply for all other assistance for which they may be eligible, and must participate in any appeals process, as appropriate.

As a condition of eligibility for WFNJ benefits, applicants/recipients must sign an Individual Responsibility Plan ("IRP"). See N.J.A.C. 10:90-2.2(c). Additionally, pursuant to N.J.A.C. 10:90-2.2(d), "[a]ny WFNJ applicant/recipient who fails at any time to cooperate with any of the WFNJ program eligibility requirements without good cause shall render some or all assistance unit members ineligible for WFNJ benefits."

Here, the record reflects that Petitioner has exhausted her 60-month lifetime limit of WFNJ/GA benefits. See Initial Decision at 3; see also Exhibit R-4, and N.J.A.C. 10:90-2.3(a). Petitioner was seeking an exemption from the WFNJ benefits time limit, and provided the Agency with the required 12-month MED-1 form. See Initial Decision at 3; see also Exhibit P-3, and N.J.A.C. 10:90-2.4(a)(3). The Agency denied Petitioner WFNJ/GA benefits because Petitioner did not have an SSI benefits application, or appeal, pending. See Initial 2-3; see also Exhibit R-3, R-5. However, the ALJ found that WFNJ regulatory authority does not require Petitioner to apply for SSI benefits in order to be granted an exemption from the WFNJ benefits time limit, and that her 12-month MED-1 form is all that is required. See Initial Decision at 4-6; see also N.J.A.C. 10:90-2.4(a)(3). Based on the foregoing, the ALJ found Petitioner eligible for an exemption from the



WFNJ lifetime limit, and concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was improper and must be reversed. See Initial Decision at 6; see also Exhibit R-3.

I agree with the ALJ's conclusion that the regulatory authority governing a WFNJ benefits time limit exemption does not require that Petitioner have an SSI application pending approval or appeal. However, as an overall regulatory requirement for receipt of WFNJ cash benefits, Petitioner must apply for all other assistance that she may be eligible for, which includes applying for SSI benefits. See Initial Decision at 4-6; see also N.J.A.C. 10:90-2.2(a)(3), -2.4(a)(3). Further, in her IRP, Petitioner agreed to apply for SSI benefits, and to provide proof of same to the Agency. See Initial Decision at 2; see also Exhibit R-1. Although the record indicates that Petitioner applied for Retirement, Survivors and Disability Insurance, that application was denied because Petitioner does not have enough work credits to qualify for benefits. See Initial Decision at 2-3; see also Exhibit P-7. As such, Petitioner must apply for SSI benefits, which do not require a work history for eligibility, as agreed to in her IRP, and as required by regulatory authority. See Initial Decision at 2; see also Exhibit R-4, and N.J.A.C. 10:90-2.2(a)(3), -2.2(c), (d). Therefore, I find Petitioner eligible for an exemption from the WFNJ benefits time limit, and hence continued WFNJ/GA benefits, contingent upon her filing an application for SSI benefits, and providing proof of same to the Agency. The Initial Decision is modified to reflect this finding.

By way of comment, based upon the record, see Exhibit P-3, the Agency should refer Petitioner for Substance Abuse Initiative and Behavioral Health Initiative evaluations, if it has not already done so. See N.J.A.C. 10:90-6.1(c)(1)(iii). Should that assessment require Petitioner to engage in treatment, that requirement shall be incorporated into her IRP and her EA service plan. See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a)(1)(iii).

By way of further comment, the transmittal in this matter indicates a contested issue regarding a termination of EA benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a termination of EA benefits, she may request another fair hearing on that issue alone.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, based on the discussion above.

Officially approved final version.

SEP 07 2018

Natasha Johnson
Director

