



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **02341-24 N.B.**

AGENCY DKT. NO. **C100008018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's alleged verbal denial of Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On February 28, 2024, the Honorable Sarah H. Surgent, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 29, 2024, the ALJ issued an Initial Decision, affirming the Agency's approval of EA benefits under specific terms.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, following an independent review of this matter, I hereby ADOPT the Initial Decision and AFFIRM the Agency determination, based on the discussion below.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). Pursuant to N.J.A.C. 10:90-3.2(a), in order to determine initial financial eligibility for WFNJ benefits for a new applicant, reapplicant or reopened case, "all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule I at N.J.A.C. 10:90-3.3." See also N.J.A.C. 10:90-3.1(b). Further, "[i]f the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/TANF initial financial eligibility exists." See N.J.A.C. 10:90-3.2(a). For an AU of two persons, such as Petitioner's, effective July 1, 2019, the maximum allowable income level for initial eligibility is \$839. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.

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

The record in this matter reflects that on February 15, 2024, Petitioner was advised by the Agency that the Agency would approve EA benefits for a one third share of housing costs, due to Petitioner's child receiving SSI benefits. See Initial Decision at 2, 4; see also N.J.A.C. 10:90-6.2(a) and Exhibit R-1 at D. The record further reflects that Petitioner's assistance unit has a total household income of \$1,462.78, and as such, does not qualify for WFNJ/Temporary Assistance for Needy Families benefits, and will be responsible for the remaining two thirds share of housing costs. See N.J.A.C. 10:90-3.1(a), -3.2(a), -3.3(a), -6.2(a) and DFD IT No. 19-21. The ALJ in this matter found the Agency's determination to issue EA benefits, with specific terms, was proper. See Initial Decision at 2, 4; see also N.J.A.C. 10:90-6.2(a) and Exhibit R-1 at D. I agree.



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

Officially approved final version. March 07, 2024

Natasha Johnson
Assistant Commissioner

