



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 11518-14 M.H.

AGENCY DKT. NO. GA541662 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of her Work First New Jersey Assistance/General Assistance ("WFNJ/GA") benefits. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On October 17, 2014, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On October 29, 2014, the ALJ issued an Initial Decision affirming the Agency determination.

Neither party filed exceptions to the Initial Decision.

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

When a nonrecurring earned or unearned lump sum payment is received, that income shall be used to repay assistance granted in accordance with the agreement to repay. After the agreement to repay is satisfied, any lump sum remaining will be added together with all other countable income received that month by the eligible assistance unit after application of the appropriate disregards. N.J.A.C. 10:90-3.18(c).

The Agency may make allowances to disregard a portion of the remaining lump sum money that may be spent to purchase items considered integral in promoting self-sufficiency, such as the purchase of a first vehicle, vehicle repairs or essential household items pursuant to N.J.A.C. 10:90-3.18(c)(1). After these disregards, if the remaining amount exceeds 200 percent of the payment level for the assistance unit size, then the assistance unit is ineligible for WFNJ benefits for the number of full months derived by dividing this total income by the payment level applicable to the eligible assistance unit size. N.J.A.C.10:90-3.18(d). For an assistance unit comprising of one individual, the applicable standard is \$324. Ibid.

Here, the Petitioner, a WFNJ/GA recipient, was awarded \$25,000 as a lump sum payment from the Workers' Compensation Court of New Jersey. After a deduction of \$5,000 in attorney's fees, Petitioner received a net lump sum payment of \$20,000. After the allowable expenses for vehicle repairs in the amount of \$1,178.66, Petitioner had a remaining balance of \$18,821. In accordance with N.J.A.C. 10:90-3.18(d), the Agency appropriately divided the remaining balance by \$324. This resulted in a 58-month period of ineligibility for WFNJ/GA benefits. As such, the ALJ concluded, and I agree, that the termination of Petitioner's WFNJ/GA benefits was appropriate and Petitioner is ineligible for WFNJ/GA benefits for a period of 58 months.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is hereby AFFIRMED.

Signed Copy on File
at DFD, BARA

NOV 18 2014

Jeanette Page-Hawkins
Director