



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 10408-19 J.S.

AGENCY DKT. NO. C091565002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that his wife's Unemployment Insurance Benefits ("UIB") income had exceeded the allowable initial financial eligibility limits at the time of application, and denied Petitioner EA benefits because he was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for August 15, 2019, but was adjourned at the request of Petitioner. On August 20, 2019, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 23, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

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 assistance unit of three, effective January 1, 2019, the maximum allowable income level was \$700. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-12.

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



Here, the record reflects that Petitioner's assistance unit consists of himself, his wife, and their minor child. See Initial Decision at 2; see also Exhibit R-16. On May 14, 2019, Petitioner applied for WFNJ/TANF benefits indicating that his assistance unit had no earned income, and as such, Petitioner was granted WFNJ/TANF benefits. See Initial Decision at 2; see also Exhibit R-17. Based on that same information, Petitioner was granted EA benefits in the form of shelter placement, effective July 2, 2019. Ibid. However, on July 15, 2019, the Agency learned, and the record substantiates, that at the time of Petitioner's application for WFNJ/TANF and EA benefits, Petitioner's wife had, in fact, been receiving UIB in the amount of \$215 per week. See Initial Decision at 2-3; see also Exhibits R-1, R-4, R-5, and R-10 through R-13. At the time of the hearing, Petitioner also admitted that his wife had earned income from seasonal employment. See Initial Decision at 3; see also Exhibit R-9. As a result, the Agency terminated Petitioner's WFNJ/TANF benefits on the basis that Petitioner's wife's UIB income exceeded the allowable initial financial eligibility limits, and terminated Petitioner's EA benefits because he was not a WFNJ or SSI benefits recipient. See Initial Decision at 2; see also Exhibits R-3, R-19, R-20, and N.J.A.C. 10:90-3.2(a), -3.3(a), -6.2(a). Based on the testimony and documentation presented, the ALJ concluded that Petitioner was ineligible for WFNJ/TANF and EA benefits, and that the Agency's termination of said benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibits R-3, R-19, and N.J.A.C. 10:90-3.2(a), -3.3(a), -6.2(a). I agree.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

By way of further comment, should Petitioner's financial circumstances change, he may reapply for WFNJ/TANF and EA benefits.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is AFFIRMED.

Officially approved final version.

SEP 25 2019

Natasha Johnson

Director

