



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

PO BOX 716
TRENTON, NJ 08625-0716

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 06238-20 B.B.

AGENCY DKT. NO. S623337012 (MIDDLESEX 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") benefits, Emergency Assistance ("EA") benefits, and Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF and SNAP benefits, contending that Petitioner's countable household income exceeded the maximum permissible level for receipt of said benefits. The Agency terminated Petitioner's EA benefits, because Petitioner was no longer a WFNJ benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 31, 2020, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 13, 2020, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 determinations, based on the discussion below.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF is found to exist, financial eligibility continues to exist so long as the assistance unit's ("AU") total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income) is less than the maximum benefit payment level allowable for the size of the assistance unit, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of 5, the maximum allowable benefit level is \$728. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

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

Regulatory authority, applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3.



In accordance with N.J.A.C. 10:87-6.16(d)(2), in determining SNAP benefits eligibility, households that do not contain an elderly or disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4.

Here, the record reflects that, in November 2019, Petitioner applied for, and was granted, WFNJ/TANF, EA and SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at F. At that time, Petitioner's assistance unit was comprised of four persons, Petitioner, Petitioner's boyfriend and two children. See Exhibit R-1 at F-3. The record further reflects that in April, 2020, an additional child was added to the WFNJ/TANF AU, thereby increasing the monthly WFNJ/TANF cash benefit amount from \$644 to \$728. See Initial Decision at 2; see also Exhibit R-A. Thereafter, it was determined that Petitioner's boyfriend had been receiving Unemployment Insurance Benefits ("UIB") since April, in the amount of \$3,601, and by notice dated June 3, 2020, the AU's WFNJ/TANF benefits were terminated. See Exhibit R-A. Additionally, by notice dated June 8, 2020, Petitioner was advised that the household's SNAP benefits would terminate effective July 1, 2020, due to the household's net income exceeding the maximum permissible level for receipt of said benefits. See Exhibit R-1 at B.

With respect to Petitioner SNAP benefits, Petitioner did not dispute the amount of the household's income, nor the Agency's calculations. See Initial Decision at 3. Based on the record presented, the ALJ found that the Agency had properly terminated Petitioner's SNAP benefits. *Id.* at 3-4. Based upon an independent review of the record, I agree, and note that, while the household's gross income of \$3,601 was below the gross income level for a household of five, after application of applicable deductions, the resulting net income of \$3,492 was above the maximum net income level for receipt of SNAP benefits for the household size. See Exhibit R-1 at C-2, E; see also N.J.A.C. 10:87-6.16 and DFD Instruction ("DFDI") 19-09-01 at 12, 13.

Similarly, the ALJ found that the assistant unit's undisputed, unearned income of \$3,601 exceeded the maximum allowable limit of \$728 for receipt of WFNJ/TANF benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-3.3(b) and DFD IT 19-21. As such, the ALJ affirmed the Agency's termination of Petitioner's WFNJ/TANF benefits. *Ibid.* I also agree.

Finally, in light of the foregoing, and as only WFNJ and SSI benefit recipients are eligible for EA benefits, the ALJ also concluded that the Agency properly terminated Petitioner's EA benefits. See N.J.A.C. 10:90-6.2(a).

By way of comment, Petitioner is without prejudice to reapply for WFNJ, EA and SNAP benefits, should her household and assistance unit's circumstances change.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determinations are AFFIRMED, as outlined above.

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Officially approved final version.

Natasha Johnson
Assistant Commissioner

