



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 01015-20 G.H.

AGENCY DKT. NO. C769455007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/TANF benefits because she was over the initial financial eligibility income level for receipt of said benefits, and denied Petitioner EA benefits because she 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. On February 6, 2020, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents, and the record then closed. On February 18, 2020, the record was reopened to clarify an illegible document submitted at the hearing, and on that same date the record then closed. On February 20, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

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, re-applicant 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 two, effective July 1, 2019, the maximum allowable income level was \$638. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.

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 ALJ found that at the time Petitioner applied for WFNF/TANF and EA benefits on January 14, 2020, her monthly household income was \$297 per week in temporary disability insurance benefits, and \$300 per month in child support. See Initial Decision at 3; see also Exhibits P-2, P-3, and R-3. Based on the foregoing, the ALJ found that Petitioner's monthly household income was over the WFNJ/TANF benefits initial maximum allowable income eligibility level of \$531 for an assistance unit of two, and as such, concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was proper and must stand. See Initial Decision at 4-6; see also Exhibit R-1, and N.J.A.C. 10:90-3.2. While I agree with the ALJ's conclusion, that the Agency properly denied WFNJ/TANF benefits to Petitioner, I find that she was ineligible for said benefits because her household income was over the initial maximum allowable income eligibility level of \$638, effective July 1, 2019, not \$531, as stated by the ALJ. See Initial Decision at 5; see also N.J.A.C. 10:90-3.3(a), and DFD Informational Transmittal ("IT") Nos. 19-12, 19-21. The Initial Decision is modified to reflect this finding.

Further, the ALJ found that Petitioner was ineligible for EA benefits because she was not a WFNJ or SSI benefits recipient, and as such, the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5-6; see also Exhibit R-5, and N.J.A.C. 10:90-6.2(a). I also agree.

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

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED.

Officially approved final version.

APR - 6 2020

Natasha Johnson
Assistant Commissioner

