



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 **01450-20 K.P.**

AGENCY DKT NO **C270215009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from 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 because she was over the income eligibility level for said benefits due to her receipt of Unemployment Insurance Benefits ("UIB") income. Petitioner was denied EA benefits because she was neither a WFNJ, nor a Supplemental Security Income, benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 19, 2020, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. 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 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. 10:90-3.1(c), once initial financial eligibility for a WFNJ/TANF benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/TANF assistance unit ("AU"), with benefit of the appropriate disregards set forth at N.J.A.C. 10:90-3.8 for earned income, is less than the maximum benefit payment level for the appropriate eligible AU size, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an AU of two, such as Petitioner's, as of July 1, 2019, the maximum allowable benefit level is \$425. See DFD Informational Transmittal No. 19-21.

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

Here, the ALJ found that Petitioner receives UIB income in the amount of \$957.60 per month. See Initial Decision at 2. Based on the foregoing, the ALJ concluded that Petitioner's UIB income rendered her over income for purposes of WFNJ/TANF benefits eligibility, and consequently, also rendered her



ineligible for EA benefits. Ibid. Although the ALJ did not specifically address the appropriateness of the Agency's termination of Petitioner's WFNJ/TANF benefits, I find that Petitioner's unearned UIB income of \$957.60 is over the maximum allowable benefit level of \$425 for WFNJ/TANF benefits eligibility. Accordingly, I find that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was proper, and hereby affirm those determinations. See N.J.A.C. 10:90-3.3(b), -6.2(a). The Initial Decision is modified to reflect this finding.

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

Officially approved final version.

MAR 13 2020

Natasha Johnson
Assistant Commissioner

