



State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716  
TRENTON, NJ 08625-0716

CAROLE JOHNSON  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

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 06224-20 P.Z.

AGENCY DKT. NO. C119606008 (GLOUCESTER COUNTY DIV. 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 Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 7, 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 MODIFIED 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 AU of 3, the maximum allowable benefit level is \$559. 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 Petitioner and his two children have been receiving WFNJ/TANF and SNAP benefits since 2019. See Initial Decision at 2; see also Exhibit R-1 at 32, 34. Petitioner has been receiving EA benefits since earlier in 2020. See Exhibit R-1 at 24. On June 1, 2020, while Petitioner had earned income of \$960, Petitioner remained eligible for WFNJ/TANF, and consequently EA benefits, due to the application of an income disregard of 75% of that earned income, or a balance of \$240 after the disregard, which is below the maximum benefit level for an AU of 3 of \$559. See Exhibit R-3; see also N.J.A.C. 10:90-3.3(b), and DFD IT 19-21. Thereafter, on June 2, 2020, the Agency learned that Petitioner was also receiving Unemployment Insurance Benefits ("UIB"), and when that unearned income was combined with Petitioner's earned income, that amount exceeded the maximum benefit level of \$559, thereby rendering Petitioner ineligible for WFNJ/TANF benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-3.3(b), and DFD IT 19-21. As such, by notice dated June 2, 2020, Petitioner was advised that the AU's WFNJ/TANF benefits would be terminated effective July 1, 2020. See Exhibit R-2 at 9. That same notice also advised Petitioner 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. *Ibid.* Additionally on June 2, 2020, the Agency notified Petitioner that his EA benefits would terminate effective July 2, 2020. See Exhibit R-1 at 2.

Based on the record presented, the ALJ found that Petitioner's net income, as calculated for SNAP benefits eligibility, exceeded the maximum net income level of \$1,778 for a household of three, and as such, the Agency had properly terminated Petitioner's SNAP benefits. See Initial Decision at 6. Based upon an independent review of the record, I agree, and note that while the Agency's adverse action notice states a net income of \$2,202, see Exhibit R-2 at 9, the calculations screen in the record reflects a net income of \$4,201. See Exhibit R-2 at 8. Regardless, both of these amounts are above maximum allowable net income for receipt of SNAP benefits. See N.J.A.C. 10:87-6.16 and DFD Instruction ("DFDI") 19-09-01 at 12.

Similarly, the ALJ found that the assistant unit's earned income, after the applicable income disregard, combined with Petitioner's unearned income from UIB benefits, exceeded the maximum allowable limit of \$839 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.* While I agree with ALJ, that the combined income amount exceeds the regulatory threshold, I note that the ALJ uses the incorrect amount of \$839, which is the maximum income level for an AU of three at the time of initial application. See N.J.A.C. 10:90-3.1(b). As Petitioner was already receiving WFNJ/TANF benefits, I find that the correct amount for continued WFNJ/TANF eligibility is the maximum benefit level for an AU of three, which is \$559. See N.J.A.C. 10:90-3.1(c), -3.3(b); see also DFD IT 19-21. The Initial Decision is modified to reflect this finding.

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 Initial Decision at 8; see also N.J.A.C. 10:90-6.2(a).

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

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



Officially approved final version.

SEP - 1 2020

---

Natasha Johnson  
Assistant Commissioner

