



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 **09537-20 S.W.**

AGENCY DKT. NO. **C331009007 (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's application for WFNJ/TANF benefits, as Petitioner's unearned income from Unemployment Insurance Benefits ("UIB") put the assistance unit over the initial maximum allowable income level for receipt of such benefits. The Agency denied Petitioner's application for 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. A telephonic hearing was initially scheduled for October 14, 2020, but was adjourned to October 15, 2020, and then again to October 19, 2020, to ascertain if Petitioner was eligible for, and continuing to receive, UIB. On October 19, 2020, the Honorable Thomas R. Betancourt, Administrative Law Judge, ("ALJ"), held the telephonic plenary hearing, took testimony and admitted documents. On October 21, 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 determination, based on the discussion below.

N.J.A.C. 10:90-1.3(a) states, "All applicants for [Work First New Jersey] WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made." In relevant part, immediate need "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a)(1). Of note, immediate need assistance is not EA, and the termination of immediate need assistance is not appealable.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's countable income, both earned and unearned, as well as countable resources. See



N.J.A.C. 10:90-3.1(a). 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 two, effective July 1, 2019, the maximum allowable income level is \$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 Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that Petitioner applied for WFNJ/TANF and EA benefits, for herself and her son, based upon her assumption that her UIB had ended. See Initial Decision at 2. The assistance unit was placed at a shelter on an immediate need basis. *Ibid.*; see also N.J.A.C. 10:90-1.3(a). However, the Agency subsequently learned that Petitioner's UIB had not, in fact, ceased, and as such, Petitioner's weekly receipt of \$258 in UIB, or \$1,117.91 monthly, made her ineligible for WFNJ/TANF benefits because it was over the initial maximum allowable income level of \$638. *Ibid.*; see also N.J.A.C. 10:90-3.1(b) and DFD IT No. 19-21. As a result, Petitioner's immediate need shelter placement ceased because she was not eligible for WFNJ benefits, nor was she an SSI benefits recipient. See Initial Decision at 2; see also Exhibits R-2, R-3. The record further reflects that, at the time of the hearing, Petitioner continued to receive UIB, which was further confirmed by Petitioner herself through her testimony. See Initial Decision at 2; see also Exhibit R-4. Based on the foregoing, the ALJ in this matter concluded that Petitioner did not presently meet the financial requirements for WFNJ/TANF eligibility, and as such, the Agency's denial of WFNJ/TANF benefits, and the termination of Petitioner's immediate need placement, were proper and must stand. See Initial Decision at 4. I agree. Furthermore, the ALJ found that, as Petitioner was not a WFNJ, or SSI, benefits recipient, she was ineligible for EA benefits. *Ibid.*; see also N.J.A.C. 10:90-6.2(a). I also agree.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/TANF and EA benefits at such time that her UIB ends.

By way of further 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 ADOPTED, and the Agency's determinations are AFFIRMED, as outlined above.

Officially approved final version.

OCT 29 2020

Natasha Johnson
Assistant Commissioner

