



State of New Jersey

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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 09084-20 B.Z.

AGENCY DKT. NO. C137779015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the 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, contending that income from Unemployment Insurance Benefits ("UIB") put the WFNJ/TANF assistance unit ("AU") over the maximum benefit eligibility level for receipt of WFNJ/TANF benefits, and terminated Petitioner's EA benefits, because she was no longer a WFNJ, nor a Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The initial hearing date of December 8, 2020, was adjourned in response to Petitioner's representation that on February 9, 2021, she was scheduled to meet with representatives of the office that managed UIB payments, the NJ Department of Labor ("DOL"). The hearing was rescheduled to January 21, 2021. Because Petitioner's meeting at the DOL had not yet occurred, the hearing was again adjourned to a peremptory date to be scheduled after February 9, 2021. On March 9, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open until March 30, 2021, to permit Petitioner to supplement the record. Petitioner did not produce any additional documents, and the record then closed on March 30, 2021. On April 14, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on May 11, 2021.

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.

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, if applicable) 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 four, such as Petitioner's, the maximum



allowable benefit level is \$644. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

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

Here, the record reflects that Petitioner received monthly WFNJ/TANF benefits in the amount of \$644 for an AU of four. See Initial Decision at 2. In June, 2020, Petitioner received UIB in the amount of \$231 per week, which totaled \$1001 per month (\$231 x 4.333). See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-3.11(c)(1)(i).

As Petitioner's monthly UIB income exceeded the maximum allowable benefit level of \$644 for continued WFNJ/TANF benefits eligibility for an AU of four, by notice dated September 8, 2020, the Agency terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibit R-3; see also N.J.A.C. 10:90-3.3(b) and DFD IT 19-21.

Petitioner testified that she only received UIB payments on September 21, 2020, and on September 28, 2020, and that she did not receive any UIB payments in July, 2020, and August, 2020. See Initial Decision at 3. Petitioner was provided an opportunity to produced documentation supporting her claim of the "failed" deposits in July, August, and September, 2020, but failed to do so. *Ibid.* The ALJ found that Petitioner was given three weeks to produce the documentation, and when she did not produce the documents within that time frame, she did not seek additional time to provide the documents. *Id.* at 4-5. The ALJ further found that Petitioner's testimony was not credible, and that her assertions were contradicted by the evidence provided by the Agency. *Id.* at 5.

Based on the testimony and evidence presented, the ALJ concluded that Petitioner was ineligible for continued WFNJ/TANF benefits, and consequently, EA benefits. *Ibid.*; see also Exhibit R-3, Exhibit EA-R1, and N.J.A.C. 10:90-3.3(b), -6.2(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was proper and must stand. *Ibid.*; see also Exhibits R-3, EA-R1. I agree.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter. Moreover, Petitioner included documents with her Exceptions which were not introduced before the ALJ at the hearing. I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ. See N.J.A.C. 1:1-18.4(c).

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 determination is AFFIRMED, as outlined above.

Officially approved final version.

JUN - 3 2021

Natasha Johnson
Assistant Commissioner

