



State of New Jersey

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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 11088-20 C.G.

AGENCY DKT. NO. S625135012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/GA benefits because the household's unearned income from Unemployment Insurance Benefits ("UIB") put the WFNJ/GA assistance unit ("AU") over the maximum benefit eligibility level for receipt of WFNJ/GA benefits, and terminated Petitioner's EA benefits because Petitioner 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. On January 22, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 8, 2021, 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

In relevant part, pursuant to N.J.A.C. 10:90-2.2(a)(3), as a condition of eligibility for WFNJ cash benefits, the applicant/recipient must apply for all other assistance for which they may be eligible.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the AU'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. 10:90-3.1(c), once initial financial eligibility for a WFNJ/GA benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA AU, with benefit of the appropriate disregards set forth in N.J.A.C. 10:90-3.8 for earned income, if applicable, is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). Effective July 1, 2019, the benefit level for an employable WFNJ/GA AU, consisting of one person, is \$185 per month. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") No. 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 the WFNJ/GA benefits AU consists solely of Petitioner. See Initial Decision at 2; see also EA/TRA Exhibit R-5. The record further reflects that both Petitioner, and her adult son who was residing with her for a period, applied, and were approved for, weekly UIB in the amount of \$231 each, for a combined total household monthly income of \$2,002. See Initial Decision at 2; see also WFNJ/GA Exhibits R-3 and R-4. As the AU's monthly UIB income exceeded the maximum allowable monthly benefit level of \$185 for continued WFNJ/GA benefits eligibility for an employable AU of one, by notice dated November 16, 2020, the Agency terminated Petitioner's WFNJ/GA benefits. See WFNJ/GA Exhibit R-1; see also DFD IT 19-21. It should be noted that Petitioner's adult son was not included on Petitioner's original EA application on June 1, 2020, but was included on Petitioner's July 27, 2020, EA application. See WFNJ/TRA Exhibits R-1 and R-5. Furthermore, an EA Service Plan dated September 25, 2020, clearly denotes that Petitioner's adult son was not WFNJ eligible, undoubtedly due to his receipt of UIB, and therefore, as Petitioner was already receiving WFNJ/GA benefits, the maximum allowable level for continued WFNJ/GA eligibility is \$185, not \$381, as indicated in the Initial Decision. See WFNJ/GA Exhibit R-5 and WFNJ/TRA Exhibit R-9. Based upon Petitioner's combined household income, due to receipt of UIB in the amount of \$2,002, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 5-6; see also WFNJ/GA Exhibit R-1. I agree, but hereby modify the Initial Decision to denote the correct maximum benefit level for continued WFNJ/GA eligibility in this matter of \$185, for the reasons as outlined above.

Additionally, by notice dated October 29, 2020, the Agency terminated Petitioner's EA benefits effective November 29, 2020, because Petitioner was no longer a WFNJ, or SSI, benefits recipient. See WFNJ/TRA Exhibit R-13; see also N.J.A.C. 10:90-6.2(a). Based on the evidence presented, the ALJ further concluded that because the termination of Petitioner's WFNJ/GA benefits was found to be proper, the Agency's termination of Petitioner's EA benefits was also proper and must stand. See Initial Decision at 6; see also N.J.A.C. 10:90-3.6(a), -6.2(a). I also agree.

By way of comment, Petitioner is without prejudice to reapply for WFNJ cash 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 MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. **FEB 23 2021**

Natasha Johnson
Assistant Commissioner

