



State of New Jersey

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

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 09855-20 C.J.

AGENCY DKT. NO. C755942007 (ESSEX COUNTY DIVISION OF WELFARE)

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 because the household's unearned 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 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 6, 2021, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 7, 2021, 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 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 AU's 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 two persons, the maximum allowable benefit level is \$425, and for an assistance unit of three persons, 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 SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, it appears from the record that, after leaving her employment in April, 2020, Petitioner applied for, and was granted, WFNJ/TANF and EA benefits, however, Petitioner was also advised that she needed



to apply for UIB. See Initial Decision at 2; see also N.J.A.C. 10:90-2.2(a)(3) (stating that applicants for WFNJ benefits must apply for any other assistance or programs for which a member of the AU may be eligible). Thereafter, on a date uncertain, Petitioner was approved for UIB in the weekly amount of \$231. See Initial Decision at 2. It was not until early September, 2020, that the Agency became aware of Petitioner's receipt of UIB, and at that time, on September 3, 2020, the Agency terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 2. While Petitioner is no longer eligible to receive EA, the Initial Decision states that, after the termination of her WFNJ/TANF benefits, Petitioner has continued to reside at a shelter. Ibid. While Petitioner contends that she ceased receiving UIB in mid-October, 2020, there is no dispute that at the time the Agency terminated Petitioner's WFNJ/TANF benefits, by notice dated September 3, 2020, Petitioner was receiving UIB, and as such, she was ineligible for WFNJ/TANF benefits, and consequently, also ineligible for EA benefits. See Initial Decision at 2, 3; see also N.J.A.C. 10:90-3.3(b), -6.2(a), and DFD IT 19-21. Based on the foregoing, the ALJ in this matter concluded that the Agency's termination of Petitioner's WFNJ/TANF, and EA benefits, was proper and must stand. See Initial Decision at 3-4. I agree.

By way of 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.

By way of further comment, Petitioner is without prejudice to reapply for WFNJ/TANF and EA benefits, if she has not already done so.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

FEB - 4 2021

Natasha Johnson
Assistant Commissioner

