



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

PO BOX 716
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 06276-21 D.M.

AGENCY DKT. NO. C077876018 (SOMERSET 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. Petitioner's WFNJ/TANF benefits were terminated due to the household's increase in unearned income over the maximum allowable benefit level, and Petitioner's EA benefits were terminated 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 August 24, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 27, 2021, the ALJ issued an Initial Decision, affirming the Agency's terminations of Petitioner's WFNJ/TANF and EA benefits.

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 terminations of Petitioner's WFNJ/TANF and EA benefits, 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, such as Petitioner's, the maximum allowable benefit level is \$425. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

In accordance with N.J.A.C. 10:90-3.9(b), (e), unearned income in form of Retirement, Survivors and Disability Insurance ("RSDI") is countable towards WFNJ eligibility.

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 receives recurring monthly RSDI benefits in the amount \$1,028. See Initial Decision at 2; see also Exhibit R-1 at 2. As Petitioner's monthly unearned income from RSDI benefits exceeds the maximum permissible benefit level of \$425, by notice dated May 5, 2021, the Agency advised Petitioner that she was no longer eligible for WFNJ/TANF benefits. See Initial Decision at 2; see also Exhibit R-1 at 19, N.J.A.C. 10:90-3.3(b), -3.8(h), and DFD IT 19-21. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 3. I agree. The ALJ also concluded that, because Petitioner was no longer a WFNJ/TANF benefits recipient, nor an SSI benefits recipient, the Agency's termination of Petitioner's EA benefits was also proper and must stand. Ibid.; see also N.J.A.C. 10:90-6.2(a) and Exhibit R-1 at 6. I also agree.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's terminations of Petitioner's WFNJ/TANF and EA benefits are AFFIRMED, as outlined above.

Officially approved final version.

AUG 3 1 2021

Natasha Johnson
Assistant Commissioner

