



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 03638-21 D.R.

AGENCY DKT. NO. S628922012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/ General Assistance ("WFNJ/GA") benefits and the imposition of a period of ineligibility for WFNJ/GA benefits from March 1, 2021, through August 1, 2021, and the denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that due to his receipt of a lump sum insurance claim payment, he was ineligible for WFNJ/GA benefits for a period of five months. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 28, 2021 the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 29, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services on behalf of Petitioner, on April 29, 2021.

As Assistant Commissioner, Division of Family Development, 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 MODIFY the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-3.18(e), and (e)(2) state that, "[f]or purposes of determining the period of ineligibility, the WFNJ assistance unit and any other individual (such as stepparent) whose lump sum income cause the assistance unit's income to exceed the allowance standard shall be included in such determination. ... In the event the nonrecurring income is not reported timely, the period of ineligibility shall begin at the point the ineligibility would have occurred had the county or municipal agency had knowledge of its receipt. The amount of overpayment for the period of ineligibility must be established and recovery made."

Here, based on an independent review of the record, I find that Petitioner received a lump sum insurance claim payment in the amount of \$3,461.87 in December 2020, which Petitioner had failed to report to the Agency. See Initial Decision at 1, 3; see also Exhibit R-2, and N.J.A.C. 10:90-3.18(b). It appears from the record that Petitioner had been receiving WFNJ/GA benefits at that time. See Initial Decision at 2. However, effective January 1, 2021, the Agency terminated Petitioner's WFNJ/GA benefits and imposed upon him a two-month period of ineligibility for receipt of WFNJ/GA benefits due to a voluntary



quit of employment, which required Petitioner to reapply for WFNJ/GA benefits after that ineligibility period had ended. Id. at 2-3; see also N.J.A.C. 10:90-4.14. Petitioner appealed that termination, but withdrew that appeal and opted to reapply for WFNJ/GA benefits. See Initial Decision at 3. Petitioner then reapplied for WFNJ/GA benefits on March 16, 2021, and at that time, the Agency denied WFNJ/GA benefits to Petitioner and imposed a five-month period of ineligibility for receipt of said benefits running from March 1, 2021, through August 1, 2021, based on his December 2020, receipt of a lump sum insurance claim payment. Ibid. The ALJ agreed with the Agency's determination. Id. at 3-6; see also Exhibits R-1, R-3, and N.J.A.C. 10:90-3.18. However, in relevant part, N.J.A.C. 10:90-3.18(e)(2) is clear that the WFNJ/GA benefits ineligibility period "shall begin at the point the ineligibility would have occurred had the county or municipal agency had knowledge of its receipt," which, in this case, was on December 15, 2020. See Initial Decision at 5; see also Exhibit R-2. Of note, Petitioner is not contesting the Agency's denial of WFNJ/GA benefits or the imposition of an ineligibility period, but contends that the ineligibility period should begin to run from January 1, 2021, not March 1, 2021, as was imposed by the Agency. See Initial Decision at 1-2, 4-5; see also Exhibit R-2, and N.J.A.C. 10:90-3.18(e). Based on the foregoing, I find that the Agency's April 14, 2021, denial of WFNJ/GA benefits to Petitioner was proper, however, based on the plain language of N.J.A.C. 10:90-3.18(e)(2), I find that a five-month ineligibility period for receipt of WFNJ/GA benefits shall be imposed upon Petitioner from January 1, 2021, through June 1, 2021. See Exhibit R-2. Accordingly, the Initial Decision, as well as the Agency's determination, are both modified to reflect this finding.

By way of comment, the transmittal in this matter indicates that Petitioner also appealed a denial of SNAP benefits. However, the record indicates that Petitioner is not contesting the denial of SNAP benefits in the present manner. See Initial Decision at 2 fn. 1. Therefore, Petitioner's SNAP issue is now moot, and not addressed in this Final Agency Decision.

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

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

MAY 11 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

