



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 08701-20 D.S.

AGENCY DKT. NO. C014382010 (HUNTERDON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and the reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/GA benefits because the assistance unit's earned income put the WFNJ/GA assistance unit (hereinafter "AU") over the maximum benefit eligibility level for receipt of WFNJ/GA benefits. Petitioner's SNAP benefits were reduced due to the household's increase in income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 13, 2020, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 19, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination as to the termination of WFNJ/GA benefits, and dismissing Petitioner's appeal with respect to the SNAP benefits reduction.

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 MODIFY the Agency's action, based on the discussion below.

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. Effective July 1, 2019, the benefit level for an unemployable WFNJ/GA AU, consisting of one person, is \$277 per month. See N.J.A.C. 10:90-3.6(a); see also DFD IT No. 19-21.



When a WFNJ benefits recipient becomes employed, in accordance with N.J.A.C. 10:90-3.8(b), the following income disregards are applied: when the WFNJ benefits recipient is employed an average of 20 hours or more a week, 100 percent of the gross earned income shall be disregarded for the first full month in which the earned income is counted; thereafter, 75 percent of the gross earned income shall be disregarded for six consecutive months, after which, 50 percent of the gross earned income shall be disregarded for each continuous month of employment. If the WFNJ benefits recipient is employed less than an average of 20 hours per week, after the 100 percent disregard for the first month of employment, a 50 percent disregard shall be applied for each continuous month of employment. See N.J.A.C. 10:90-3.8(b).

Here, the record reflects that the WFNJ/GA benefits AU consists solely of Petitioner. See Initial Decision at 2. It appears that Petitioner was receiving WFNJ/GA benefits in the monthly amount of \$277, as unemployed person up until July 8, 2020, when he advised the Agency that he had obtained employment. *Ibid.*; see also Exhibit R-1 at 4. After providing the Agency with a paystub, Petitioner's monthly income was calculated to be \$572. See Initial Decision at 2; see also Exhibit R-1 at 8. As Petitioner's earned income exceeded the WFNJ/GA maximum benefit level, the Agency terminated Petitioner's WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-1 at 4.

An independent review of the record indicates that the paystub provided was for a one week period only, for July 5, 2020, through July 11, 2020, and for a total of 12 hours of work. See Exhibit R-1 at 8. Based on the Year to Date ("YTD") Gross amount of \$426.25, it is clear that the paystub provided was not Petitioner's first pay check. *Ibid.* Furthermore, based on the paystub provided, indicating less than 20 hours per week, and in accordance with N.J.A.C. 10:90-3.8(b), Petitioner would be entitled to a 100 percent earned income disregard for the month of July, 2020, and thereafter, a 50 percent earned income disregard would be applied, and Petitioner would then have become ineligible for WFNJ/GA benefits in August, 2020, as 50 percent of the monthly income of \$572, is \$286, which is above the income level threshold of \$185 for an employable WFNJ/GA benefits recipient, as well as over the unemployable benefit level of \$277. See N.J.A.C. 10:90-3.5(b), -3.6(a); see also DFD IT No. 19-21. As such, the Agency's termination, effective August 1, 2020, was proper, however, the Initial Decision and the Agency's determination are hereby modified to reflect the above findings and the correct applicable regulatory authority in this matter. Additionally, it is unclear, from the record presented, if Petitioner's hours have consistently been below a weekly average of 20 hours per week. If Petitioner's hours of employment have increased to an average of 20 hours or more per week, Petitioner should advise the Agency accordingly, so that the applicable income disregards, in accordance with N.J.A.C. 10:90-3.8(b), may be applied.

With respect to the reduction of Petitioner's SNAP benefits, the ALJ found that there was no current dispute regarding Petitioner's SNAP benefits, and as such, dismissed Petitioner's appeal on that issue. See Initial Decision at 2, 3. I agree. However, I do note that, as a household's total income increases, with all other factors in the allotment calculation remaining constant, the household's SNAP benefit allotment will decrease.

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

Officially approved final version.

FEB - 4 2021

Natasha Johnson
Assistant Commissioner

