



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 00514-21 H.V.

AGENCY DKT. NO. C089163018 (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. The Agency terminated Petitioner's WFNJ/TANF benefits due to the receipt of lump sum Unemployment Insurance Benefits/Temporary Disability Insurance (hereinafter "UIB") benefits. The Agency terminated Petitioner's EA benefits as Petitioner was no longer a WFNJ benefits recipient, as a result of the lump sum payment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for February 9, 2021. On that date, the Agency requested an adjournment, but Petitioner objected. The Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), then held a telephone conference with the parties. The ALJ granted the adjournment request, but in the alternative, the parties agreed to submission of their respective positions in writing by February 12, 2021, and the matter would thereafter be determined on the papers submitted. Brief were submitted by both parties on February 12, 2021, and the record then closed. On March 5, 2021, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were filed by Petitioner on March 19, 2021, with Revised Exceptions submitted on March 23, 2021.

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 determinations, based on the discussion below.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. See N.J.S.A. 44:10-56. TANF is a component of WFNJ that provides assistance to adults with dependent children. See N.J.A.C. 10:90-1.1(b). In evaluating an individual's eligibility for WFNJ/TANF benefits, all countable income and resources of all persons in the assistance unit of which the applicant or recipient is a member, unless exempt, must be considered. See N.J.A.C. 10:90-3.1(a), -3.9(a), -3.10(a), -3.19 and -3.20. Income includes monies received as unemployment compensation, as well as disability claims. See N.J.A.C. 10:90-3.9(a).



Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit'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. 10:90-3.2(a), in order to determine initial financial eligibility for WFNJ benefits for a new applicant, reapplicant or reopened case, "all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule I at N.J.A.C. 10:90-3.3." See also N.J.A.C. 10:90-3.1(b). Effective July 1, 2019, for an assistance unit of three, such as Petitioner's, the initial monthly maximum allowable income level is \$839. See N.J.A.C. 10:90-3.3; see also DFD Informational Transmittal ("IT") No. 19-21 at 3.

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). Effective July 1, 2019, for an assistance unit of three, such as Petitioner's, the maximum allowable benefit level is \$559. See N.J.A.C. 10:90-3.3(b); see also DFD IT 19-21 at 3.

With respect to lump sum income, in accordance with N.J.A.C. 10:90-3.18(d), when the total lump sum income exceeds 200% of the WFNJ/TANF maximum payment level for the appropriate eligible assistance unit, as set forth in Schedule VI, the assistance unit will be ineligible for WFNJ benefits for the number of full months determined by dividing the total income by the payment level applicable to the eligible assistance unit size in Schedule VI. Effective July 1, 2019, for an assistance unit of three, such as Petitioner's, 200% of the WFNJ payment level, is \$1,118. See N.J.A.C. 10:90-3.18(d); see also DFD IT 19-21 at 4.

Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Turning the present matter, as correctly stated by the ALJ in this case, the issue presented is if the adverse actions taken by the Agency are correct. See Initial Decision at 8; see also N.J.A.C. 10:90-9.3(a) (stating that a right to a fair hearing exists for WFNJ benefits recipients when they are adversely affected by the Agency's action). The salient facts are not in dispute and the ALJ properly decided to proceed with the matter summarily. See Initial Decision at 9; see also N.J.A.C. 1:1-12.5(b). The ALJ issued a thorough and comprehensive Initial Decision, ultimately concluding that the Agency had properly terminated Petitioner's WFNJ/TANF benefits and correctly imposed an ineligibility period for WFNJ/TANF of EA benefits of 21 months, correctly terminated Petitioner's EA benefits because she was no longer a WFNJ, nor an SSI, benefits recipient, and also, that Petitioner's daughter was properly denied inclusion in the Supplemental Nutrition Assistance Program ("SNAP") household from April through December, 2020. See Initial Decision at 13. I agree with these conclusions, with the exception of the 21 month period of ineligibility for WFNJ/TANF. As noted above, effective July 1, 2019, the 200% of the WFNJ payment level for an assistance unit of three is \$1,118, and it is that amount that must be used in determining the proper ineligibility period, rather than the outdated amount of \$848 utilized by both the ALJ and the Agency in this matter. See Initial Decision at 10; see also DFD IT 19-21 at 4. Using the amount of \$1,118, divided into the lump sum of \$18,538, results in a period of ineligibility for WFNJ/TANF benefits, and consequently EA benefits, of 16 months. See N.J.A.C. 10:90-3.18(d); see also N.J.A.C. 10:90-6.2(a). The Initial Decision and the Agency determination are both modified to reflect this finding.

Additionally, it should be noted that Petitioner applied for UIB on January 5, 2020. See Exhibit R-1 at 41. Had Petitioner been approved, and received, the UIB benefits back on the retroactive date of January 11, 2020, with benefits of \$713 weekly, or \$3,089 monthly, Petitioner would not have been approved for WFNJ/TANF and EA benefits, at the time of Petitioner's application for said benefits in early February, 2020. See N.J.A.C. 10:90-3.3(b); see also DFD IT at 3.



By way of comment, I have reviewed the Revised Exceptions submitted by Petitioner in this matter, 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 determinations are MODIFIED, as outlined above.

Officially approved final version.

APR 22 2021

Natasha Johnson
Assistant Commissioner

