



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 05116-21 J.M.

AGENCY DKT. NO. S618023012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA"), benefits, and the reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") 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 June 23, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On June 24, 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.

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). Further, "[i]f the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/TANF initial financial eligibility exists." See N.J.A.C. 10:90-3.2(a). For an assistance unit of five, such as Petitioner's, effective July 1, 2019, the maximum allowable benefit level is \$728. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21 (hereinafter referenced as Exhibit R-5).



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, Petitioner contests the termination of his WFNJ/TANF benefits, effective April 1, 2021, due to excess unearned income, in the form of lump sum UIB payments, which put Petitioner over the maximum income level allowable for continued receipt of WFNJ/TANF benefits. See Initial Decision at 2-3; see also Exhibit R-2 at 1, and Exhibit R-3 at 3. Petitioner does not dispute the receipt of the lump sum UIB payment. See Initial Decision at 3. As Petitioner was no longer a WFNJ benefits recipient, the Agency also terminated Petitioner's EA benefits effective April 13, 2021. See Initial Decision at 3; see also Exhibit R-2 at 6. Based on the record presented, the ALJ determined that Petitioner received UIB in March 2021, which exceeded the maximum allowable benefit level for an assistant unit of five, \$728, and therefore, Petitioner was ineligible for WFNJ/TANF benefits, and the Agency's termination of said benefits was proper and must stand. See Initial Decision at 5; see also Exhibit R-5 at 3. I agree. Additionally, as Petitioner was no longer a WFNJ, nor an SSI, benefits recipient, the ALJ concluded that Petitioner was also no longer eligible for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.2(a). I also agree.

By way of comment, the issue pertaining to a reduction of Petitioner's SNAP benefits was not addressed by the ALJ, due to the Petitioner having received an increase in SNAP benefits. As such, that issue is deemed moot and not addressed in this Final Agency Decision.

By way of further comment, Petitioner is without prejudice to reapply for WFNJ benefits at such time as his UIB ceases.

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.

JUL - 6 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

