



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 03589-21 M.F.

AGENCY DKT. NO. C180216013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits, and the reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/GA benefits because her total monthly income put the assistance unit over the maximum allowable benefit level for continued receipt of WFNJ/GA benefits, and terminated Petitioner's EA benefits because she was no longer a WFNJ cash benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient. Petitioner's SNAP benefits were reduced due to the increase in household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 27, 2021, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 28, 2021, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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 determinations, based on the discussion below.

In order to be eligible for WFNJ/GA benefits, the total countable income of the unemployable single adult, or couple without dependent children, must be equal to or less than the maximum benefit payment level for the size of the assistance unit as set out in Schedule V at N.J.A.C. 10:90-3.6(a). See N.J.A.C. 10:90-3.1(b)(1). Effective July 1, 2019, the benefit level for an unemployable WFNJ/GA assistance unit that consists of one individual is \$277 per month. See N.J.A.C. 10:90-3.6(a); see also DFD Informational Transmittal ("IT") No. 19-12.

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



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Here, the record reflects that Petitioner was determined eligible for RSDI benefits, and now receives recurring monthly RSDI benefits in the amount \$840. See Initial Decision at 2; see also Exhibit R-1 at 2. As Petitioner's monthly unearned income from RSDI benefits exceeded the unemployable WFNJ/GA maximum benefit level of \$277, by notice dated March 9, 2021, the Agency advised Petitioner that she was no longer eligible for WFNJ/GA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-3.6(a) and Exhibit R-1 at 5. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 5. I agree. The ALJ also concluded that, because Petitioner was no longer a WFNJ/GA benefits recipient, nor an SSI benefits recipient, the Agency's termination of Petitioner's EA benefits was also proper and must stand. See Initial Decision at 5; see also N.J.A.C. 10:90-6.2(a) and Exhibit R-2 at 13. I also agree.

With respect to the reduction of Petitioner's SNAP benefits, based on the record presented, the ALJ also affirmed the Agency's action, but also stated that the household continues to receive the maximum amount of SNAP benefits, due to the ongoing COVID-19 pandemic. See Initial Decision at 5; see also Exhibit R-1 at 11, 12 and N.J.A.C. 10:87-6.16. I also agree. 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 benefits will decrease. See Exhibit R-1 at 11 (showing the revised SNAP allotment calculations for Petitioner's household with the increased income from RSDI, resulting in a reduction of SNAP benefits).

By of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determinations are AFFIRMED, as outlined above.

Officially approved final version.

MAY 06 2021

Natasha Johnson
Assistant Commissioner

