



State of New Jersey

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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 03558-21 M.M.

AGENCY DKT. NO. C186927013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that he had failed to provide required documentation, and had failed to follow up on his Unemployment Insurance Benefits ("UIB") claim. The Agency denied Petitioner EA benefits because he was not 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 April 26, 2021, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Also on April 26, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 AFFIRM the Agency's determination, based on the discussion below.

Initial financial eligibility for WFNJ benefits is determined based upon the assistance unit's ("AU") countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). If a WFNJ/GA AU has income that is equal to or less than the maximum allowable income level, then financial eligibility exists. See N.J.A.C. 10:90-3.1(b) and -3.5(b). For an employable WFNJ/GA benefits AU of one person, effective July 1, 2019, the maximum allowable income level is \$278 per month. See DFD Informational Transmittal ("IT") No. 19-21.

Here, the record reflects that Petitioner applied for WFNJ/GA benefits on March 9, 2021, and was advised that, in order to be determined eligible for WFNJ/GA benefits he was required to apply for, and access, his UIB within 30-days from the date of said application, as he had \$15,640 available in remaining UIB. See Initial Decision at 2-3; see also Exhibits R-1 at 2, and N.J.A.C. 10:90-2.2(a) (3). It appears from the record that Petitioner had applied for UIB, but had failed to follow up on receipt of said benefits in a timely manner. See Initial Decision at 3; see also Exhibit R-1 at 6-7.

Consequently, by notice dated April 8, 2021, the Agency denied Petitioner WFNJ/GA benefits for



failure to follow through with his UIB claim. See Initial Decision at 3; see also Exhibit R-1 at 8-11, and N.J.A.C. 10:90-2.2(a). However, the ALJ found that this matter had been resolved, as Petitioner had begun receiving monthly UIB income on April 22, 2021, and that he is currently receiving \$996.59 in monthly UIB income. See Initial Decision at 2-4; see also N.J.A.C. 10:90-3.11(c)(1)(i). As such, the ALJ found that Petitioner's monthly UIB income exceeds the initial financial eligibility level of \$210 allowable for receipt of WFNJ/GA benefits, and on that basis, concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1 at 8-11, and N.J.A.C. 10:90-3.1(b) and -3.5(b). While I agree with the ALJ's ultimate conclusion, the Initial Decision is modified to reflect that, as of July 1, 2019, the maximum initial financial eligibility level allowable for receipt of WFNJ/GA benefits for an employable assistance unit of one person is \$278 per month. See DFD IT No. 19-21.

Further, the ALJ also found that, because Petitioner is not a WFNJ/GA or SSI benefits recipient, he is ineligible for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.2(a). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5; see also Exhibit R-2 at 15-17. I also agree.

By way of comment, the record indicates that Petitioner had reapplied for WFNJ/GA benefits on April 12, 2021, and in light of the fact that Petitioner began receiving UIB of \$230 per month on April 22, 2021, which puts Petitioner over the maximum initial financial eligibility level allowable for receipt of WFNJ/GA benefits, the ALJ found that it is expected that Petitioner's April 12, 2021, application will be denied. See Initial Decision at 2.

By way of further comment, Petitioner is advised that he may reapply for WFNJ/GA and EA benefits at such time as his UIB ceases.

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

Officially approved final version.

**MAY 06 2021**

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Natasha Johnson  
Assistant Commissioner

