



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 00837-21 O.W.

AGENCY DKT. NO. C073070018 (SOMERSET COUNTY BOARD 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 imposition of a one-year disqualification period for receipt of said benefits. The Agency terminated Petitioner's WFNJ/GA and EA benefits contending that his income from Unemployment Insurance Benefits ("UIB") put him over the maximum allowable benefit level for WFNJ/GA benefits eligibility, and imposed a one-year disqualification period for receipt of WFNJ/GA and EA benefits, contending that he had voluntarily stopped his receipt of UIB for the purpose of qualifying for WFNJ/GA and EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 2, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 10, 2021, the ALJ issued an Initial Decision, affirming the Agency's termination of Petitioner's WFNJ/GA and EA benefits, and reversing the Agency's imposition of a one-year disqualification period for receipt of said benefits.

Exceptions to the Initial Decision were filed by the Agency on March 15, 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 AFFIRM in part, and REVERSE in part, the Agency's determination, based on the discussion below.

Here, the ALJ concluded that due to Petitioner's receipt of UIB, he was ineligible for WFNJ/GA, and consequently EA benefits, and that the Agency's termination of Petitioner's WFNJ/GA and EA benefits was therefore, proper and must be affirmed. See Initial Decision at 3-4; see also Exhibit R-1 at 65, 69, 71, 72-73, 75, and N.J.A.C. 10:90-3.1(c), -3.5(b). I agree.

However, the ALJ found that, based on Petitioner's medical documentation and the existence of a 12-month MED-1 form, indicating that he was unable to work (all of which had been provided to the Agency), Petitioner had properly stopped his receipt of UIB. See Initial Decision at 2-4; see also Exhibit R-1 at 22, 25, 67, 77-80. Accordingly, the ALJ concluded that no disqualification period for WFNJ/GA and EA benefits eligibility was applicable in this case, and as such, reversed the Agency's imposition of said disqualification. See Initial Decision at 3-4; see also Exhibit R-1 at 71, 75, and N.J.A.C. 10:90-3.10(4)



(e). While I agree, I find that N.J.A.C. 10:90-3.10(4)(e), the regulation upon which the Agency relied for its imposition of a one-year disqualification period, was misplaced, as Petitioner had not voluntarily assigned or transferred income or resources for the purpose of qualifying for WFNJ benefits, but rather correctly stopped receipt of UIB benefits to which he was not entitled. See Initial Decision at 2-4; see also Exhibit R-1 at 22, 25, 67, 77-80. The ALJ further concluded that Petitioner may reapply EA benefits. See Initial Decision at 4. Again, while I agree with the ALJ, that Petitioner may reapply for EA benefits, I find that Petitioner may also reapply for WFNJ/GA benefits, if he has not already done so. Ibid. The Initial Decision is modified to reflect these findings.

By way of comment, I have reviewed the Agency's Exceptions, 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 determination is AFFIRMED in part, and REVERSED in part, as outlined above.

Officially approved final version. APR 22 2021

---

Natasha Johnson  
Assistant Commissioner

