



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 00990-21 R.H.

AGENCY DKT. NO. C057061008 (GLOUCESTER 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. The Agency terminated Petitioner's WFNJ/GA benefits because the household's monthly unearned income from child support payments put the WFNJ/GA assistance unit ("AU") over the maximum benefit eligibility level for receipt of said benefits. The Agency terminated Petitioner's EA benefits because she was no longer a WFNJ benefits recipient, 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 March 5, 2021, the Honorable David M. Fritch, 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 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 determination, based on the discussion below.

Initial 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). Income includes monies received as child support payments. See N.J.A.C. 10:90-3.10(b). If a WFNJ/GA assistance unit (hereinafter "AU") has income that is equal to or less than the maximum allowable income or benefit level, then initial financial eligibility exists. See N.J.A.C. 10:90-3.1(b), -3.5(a), -3.6(a). Effective July 1, 2019, the maximum allowable income level for initial eligibility for an employable WFNJ/GA assistance unit that consists of one individual is \$278 per month. See N.J.A.C. 10:90-3.5(a); see also DFD Informational Transmittal ("IT") No. 19-21.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for a WFNJ/GA benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA AU, with benefit of the appropriate disregards set forth in N.J.A.C. 10:90-3.8 for earned income, if applicable, is less than the maximum benefit payment level for the appropriate eligible AU size in



accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). Effective July 1, 2019, the maximum benefit level for an employable WFNJ/GA AU, consisting of one person, is \$185 per month. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") No. 19-21.

In accordance with N.J.A.C. 10:90-3.8(h) governing child support income, the total amount of child support received is considered income for purposes of WFNJ benefits eligibility. Eligibility for WFNJ benefits exists "provided that the total amount of child support received for that month is less than the monthly WFNJ grant amount." Once eligibility is established, the WFNJ benefits recipient retains up to \$100 of their total child support income, and that \$100, or any lesser amount retained, is disregarded as income. *Ibid.*; see also DFD Instruction 09-1-4.

Additionally, N.J.A.C. 10:90-3.11(a) states, "WFNJ eligibility and cash assistance benefit calculations shall be based on an estimate of the assistance unit's income, using income averaging and, other circumstances that will exist until the assistance unit reports a change in circumstances or at the time of case redetermination, whichever occurs first. The estimate of income is based on the assistance unit's and the agency's reasonable expectations and knowledge of current, past and future circumstances."

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

Here, the record reflects that Petitioner has been receiving WFNJ/GA and EA benefits since January, 2020. See Initial Decision at 2. In October, 2020, the Agency learned that Petitioner was receiving unearned income from child support payments. *Ibid.* In October, 2020, Petitioner received a child support payment of \$325, and between September and February, 2021, Petitioner received between \$249 and \$400 per month in child support payments, with an average of \$317 per month since October. See Initial Decision at 3; see also Exhibit R-1 at 2. By notice dated October 21, 2020, the Agency advised Petitioner that her WFNJ/GA benefits were being terminated. *Ibid.*; see also Exhibit R-1 at 5-7. Notice was also sent to Petitioner advising that her EA benefits would be terminated effective November 18, 2020. See Initial Decision at 3; see also Exhibit R-2 at 8. While Petitioner asserted that she only received \$60 per week in child support payments, the ALJ found that, using the appropriate multiplier of 4.33 resulted in a monthly income of \$259.80. See Initial Decision at 5. Additionally, the ALJ found no substantiating evidence to support Petitioner's assertion that she should be considered unemployable for WFNJ/GA purposes. *Ibid.* Based on the foregoing, the ALJ found that Petitioner did not meet the financial eligibility criteria for continued WFNJ/GA benefits, and therefore, the Agency's termination was proper and must stand. See Initial Decision at 4, 5. I agree. Additionally, the ALJ found that, as Petitioner was no longer income eligible for WFNJ/GA benefits, and she was not an SSI benefits recipient, she was no longer eligible for EA benefits, and as such, the Agency's EA benefits termination was also proper and must stand. See Initial Decision at 6; see also Exhibit R-2 at 8 and N.J.A.C. 10:90-6.2(a). I also agree.

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

Officially approved final version.

APR 22 2021

Natasha Johnson
Assistant Commissioner

