



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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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 00714-21 S.P.

AGENCY DKT. NO. C333814007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner seeks Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA"), benefits, from the Respondent Agency, and challenges the reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. Petitioner's SNAP benefits were reduced due to the household's increase in unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 27, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 28, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination with respect to the reduction of Petitioner's SNAP benefits, and dismissing Petitioner's request for 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, dismiss Petitioner's request for WFNJ/TANF and EA benefits, and AFFIRM the Agency's SNAP benefits determination, 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, re-applicant 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 three, such as Petitioner's, effective July 1, 2019, the maximum allowable income level is \$839. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.



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 seeks WFNJ/TANF and EA benefits, yet it is undisputed that Petitioner has not presently submitted an application for WFNJ/TANF or EA benefits, and the last time that Petitioner submitted an application for said benefits was in November, 2019. See Initial Decision at 2. Moreover, Petitioner has been receiving monthly Unemployment Insurance Benefits (“UIB”) in the amount \$1,001 since October 1, 2020, and based upon that unearned income, Petitioner is currently ineligible for WFNJ/TANF benefits, and consequently also ineligible for EA benefits. *Ibid.*; see also N.J.A.C. 10:90-3.3(a), -6.2(a) and DFD IT 19-21. Based on the foregoing, the ALJ concluded that Petitioner’s request for WFNJ/TANF and EA benefits must be dismissed. See Initial Decision at 5. I agree.

With respect to the reduction of Petitioner’s SNAP benefits, the ALJ found that the Agency had correctly utilized the information given to it by Petitioner in order to calculate Petitioner’s SNAP benefits, and that said calculation was correct. See Initial Decision at 4, 5; see also N.J.A.C. 10:87-6.16 and Exhibit R-1 at 21. I also agree. Moreover, I 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.

Accordingly, the Initial Decision is hereby ADOPTED, Petitioner’s request for WFNJ/TANF and EA is dismissed, and the Agency’s SNAP benefits determination is AFFIRMED, as outlined above.

Officially approved final version.

FEB 11 2021

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Natasha Johnson  
Assistant Commissioner

