



State of New Jersey

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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 01311-21 T.W.

AGENCY DKT. NO. C070776015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. Petitioner's WFNJ/TANF benefits were terminated, and her SNAP benefits 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. A hearing was initially scheduled for March 16, 2021, and adjourned. The matter was rescheduled for April 20, 2021, and also adjourned. The case was again rescheduled, and on May 11, 2021, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 13, 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.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF is found to exist, financial eligibility continues to exist so long as the assistance unit's ("AU") total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income) is less than the maximum benefit payment level allowable for the size of the assistance unit, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of 4, the maximum allowable benefit level is \$644. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

Regulatory authority, applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3.

Here, the record shows that Petitioner originally applied for WFNJ/TANF and SNAP benefits in December, 2020. See Initial Decision at 2; see also Exhibit R-4. Thereafter, at the time of redetermination for WFNJ/TANF benefits, and recertification for SNAP benefits, in February 2021,



the Agency determined that Petitioner had been receiving weekly Unemployment Insurance Benefits ("UIB") in the amount \$231, or \$1,001 monthly, since July 6, 2020, and based upon that unearned income, Petitioner was no longer ineligible for WFNJ/TANF benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-3.3(a) and DFD IT 19-21. While Petitioner asserted that she had not received UIB, the record substantiates the Agency's position that she had. See Initial Decision at 3, 4-5; see also Exhibit R-5. Moreover, it is clear from the record that Petitioner was also receiving monthly Supplemental Security Income ("SSI") benefits on behalf of one of her children, which also must be included in determining eligibility for WFNJ/TANF and SNAP benefits, and which was not reported on her application for WFNJ and SNAP benefits. See Exhibits R-4 and R-12. Based on the foregoing, the ALJ concluded that, based upon the total household income from both UIB and SSI, the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 4, 5. I agree.

With respect to the reduction of Petitioner's SNAP benefits, the ALJ found that, after including the monthly unearned income from UIB and SSI, the Agency had correctly calculated Petitioner's SNAP benefits allotment, resulting in a reduction of said benefits to Petitioner. See Initial Decision at 4, 5; see also N.J.A.C. 10:87-6.16 and Exhibit R-8. I also agree.

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

Officially approved final version.

MAY 25 2021

Natasha Johnson
Assistant Commissioner

