



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 03902-21 W.W.

AGENCY DKT. NO. C085849020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA"), and the termination of Emergency Assistance ("EA"), benefits. The Agency denied Petitioner WFNJ/GA benefits because the household's earned income allegedly exceeded the maximum benefit eligibility level for receipt of WFNJ/GA benefits, and terminated Petitioner's EA benefits, because Petitioner was no longer 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 May 28, 2021, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On June 8, 2021, the ALJ issued an Initial Decision, reversing the Agency's EA 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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

Financial eligibility for Work First New Jersey ("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). 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 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.

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 was receiving WFNJ/GA and EA benefits, when he had part-time employment beginning in March 2021, through May 17, 2021. See Initial Decision at 2; see also Exhibit P-1. As required by regulatory authority, Petitioner advised the Agency of his part-time employment. See Initial Decision at 2; see N.J.A.C. 10:90-3.8(b)(1). The Agency closed Petitioner's WFNJ/GA case effective April 30, 2021. See Initial Decision at 2; see also Exhibit R-1 at 2. The record in this matter further indicates that, during the fair hearing in this case, the Agency admitted to failing to apply the appropriate income disregards, in accordance with N.J.A.C. 10:90-3.8(b). See Initial Decision at 3. With this acknowledgment, the ALJ stated that Petitioner's income in May, 2021, should have been disregarded, and the income in June, 2021, reviewed for continued eligibility. See Initial Decision at 3; see N.J.A.C. 10:90-3.8(b). As such, Petitioner's EA benefits would not have terminated prior to at least June 13, 2021. See Initial Decision at 3. Accordingly, the ALJ reversed the Agency's termination of Petitioner's EA benefits, and directed the Agency to continue Petitioner's EA placement for June 2021, and provide him with any inappropriately withheld WFNJ/GA benefits. *Ibid.* I agree.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

By way of further comment, Petitioner is without prejudice to reapply for WFNJ/GA and EA benefits.

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

Officially approved final version.

JUL 15 2021

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Natasha Johnson

Assistant Commissioner

