



State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716  
TRENTON, NJ 08625-0716

CAROLE JOHNSON  
*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 09266-20 R.R.

AGENCY DKT. NO. C253157020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the Respondent Agency's denial of her application for Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits due to an alleged failure to provide sufficient information. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic plenary hearing was scheduled for December 11, 2020, before the Honorable Sarah H. Surgent, Administrative Law Judge ("ALJ"). On December 14, 2020, the ALJ issued an Initial Decision, dismissing Petitioner's appeal.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, 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 denial of SNAP benefits.

The record in this matter reflects that, on December 11, 2020, Petitioner and the Agency's representative appeared for the scheduled hearing via telephone due to the COVID pandemic and applicable restrictions. See Initial Decision at 2. While conferencing the matter with the parties prior to commencement of the hearing, Petitioner became agitated and argumentative, then announcing that she was "done" with the matter and hanging up. Ibid. Petitioner did not attempt to call back to rejoin the conference or proceed with the hearing. Ibid. Accordingly, the ALJ determined that Petitioner had abandoned her request for a hearing in the matter and dismissed the case. Ibid.

Based on the foregoing, I find that Petitioner abandoned her appeal in this matter and, therefore, I affirm the Agency's denial of Petitioner's application for SNAP<sup>®</sup> benefits and dismiss the case.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is AFFIRMED, and the case is dismissed.



Officially approved final version.

JAN - 7 2021

---

Natasha Johnson

Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 11429-20 D.A.

AGENCY DKT. NO. C122551020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the Respondent Agency's denial of her applications for Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF), and Emergency Assistance ("EA"), benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic plenary hearing was scheduled for December 24, 2020, before the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"). Also on December 24, 2020, the ALJ issued an Initial Decision, dismissing Petitioner's appeal.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, 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 denials of WFNJ/TANF and EA benefits.

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

The record in this matter reflects that, on December 24, 2020, Petitioner and the Agency's representatives appeared for the scheduled hearing via telephone due to the COVID pandemic and applicable restrictions. See Initial Decision at 2. While conferencing the matter with the parties prior to commencement of the hearing, Petitioner hung up, and she did not attempt to call back to rejoin the conference or proceed with the hearing. Ibid. Based upon Petitioner's failure to call back for the hearing, despite plenty of time to do, the ALJ determined that Petitioner had abandoned her request for a hearing in the matter and dismissed the case. Ibid.

Based on the foregoing, I find that Petitioner abandoned her appeal in this matter and, therefore, I affirm the Agency's denial of Petitioner's applications for both WFNJ/TANF and EA benefits.

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



Officially approved final version. JAN - 7 2021

---

Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

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 08886-20 A.H.

AGENCY DKT. NO. C271203016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. Petitioner's SNAP benefits were reduced due to an increase in the household's income as a result of receipt of Unemployment Insurance Benefits ("UIB"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A plenary hearing was originally scheduled for October 26, 2020, but was adjourned for Petitioner to consult legal counsel. On November 12, 2020, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open until December 3, 2020, and then closed. On December 21, 2020, the ALJ issued an Initial Decision, affirming the Agency's action.

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 action, based on the discussion below.

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. Further, N.J.A.C. 10:87-5.5(a)(2) specifically includes "unemployment compensation" as unearned income which is included to determine a household's SNAP eligibility.

Here, the record reflects that Petitioner's household consists of herself and a minor child. See Initial Decision at 2. On or about June 22, 2020, Petitioner advised the Agency that she would be receiving weekly UIB of \$231. *Ibid.*; see also Exhibit P-1. By notice dated August 14, 2020, Petitioner was advised that, due to her receipt of UIB, her SNAP benefits would be reduced to \$16 per month. See Initial Decision at 2; see also Exhibit R-1 at 3. The ALJ in this case found that the Agency's determination to reduce Petitioner's monthly SNAP allotment to \$16, due to the receipt of UIB, was proper and must be affirmed. See Initial Decision at 3; see also Exhibit R-2. Based upon an independent review of the record, I agree.



By way of comment, if Petitioner is no longer receiving UIB, she should advise her SNAP caseworker so that her SNAP benefits can be adjusted accordingly.

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

Officially approved final version. **JAN - 7 2021**

---

Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 08750-20 L.M.

AGENCY DKT. NO. C622809007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits because Petitioner's income exceeded the maximum permissible level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A plenary hearing was initially scheduled for November 18, 2020, but adjourned. The matter was rescheduled for November 25, 2020, and again adjourned. On December 7, 2020, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On December 21, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED, based on the discussion below.

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. Further, N.J.A.C. 10:87-5.5(a)(2) specifically includes "unemployment compensation" as unearned income which to be included when determining a household's SNAP eligibility.

In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. N.J.A.C. 10:87-6.16(d)(1), states that households which contain an elderly or permanently disabled household member (as defined as N.J.A.C. 10:87-2.34) must meet the net income test, meaning that the respective income amount must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4. N.J.A.C. 10:87-6.16(b) further outlines the procedures used to calculate both gross and net income for SNAP benefits purposes, and the applicable benefit levels, if eligible. The regulation provides that the applicant's monthly net income is determined by adding together all



earned and unearned income, then subtracting all income exclusions. Then, the standard deduction, based upon the size of the household, is subtracted from the income.

Thereafter, the household is evaluated to determine if a medical deduction is appropriate, which is if the household has medical expenses that exceed \$35.00. If the household is entitled to a medical deduction, then the amount in excess of \$35.00 is subtracted from the applicant's income. Then, the applicant is evaluated for an excess shelter deduction. Such a deduction is permitted when the individual's shelter costs exceed 50% of their net income. If this deduction is allowable, then the difference between the shelter costs and the 50% net income, or up to the maximum allowable amount, is subtracted from the individual's income. The remaining figure is Petitioner's net income for SNAP benefits purposes. This net income is then compared against the maximum allowable net income amount for the household's size, as outlined at N.J.A.C. 10:87-12.3, to determine eligibility. If eligible, the household's monthly SNAP allotment shall be equal to the maximum food stamp allotment for the household's size, reduced by 30 percent of the household's net monthly income. See N.J.A.C. 10:87-12.6(a)(1).

The record in this matter reflects that Petitioner's household is comprised of one person, and that Petitioner is considered elderly, in accordance with applicable regulatory authority. See Initial Decision at 3; see also "Food Stamp Calculation (IMFS)" screens and N.J.A.C. 10:87-2.34. The record further reflects that Petitioner receives Unemployment Insurance Benefits ("UIB") in the weekly amount of \$504, or \$2,184 monthly. See Initial Decision at 3; see also "Food Stamp Calculation (IMFS)" screens, left hand column "UIB." The household has no earned income at this time. See N.J.A.C. 10:87-6.16(b) (2). In calculating Petitioner's net income for SNAP eligibility purposes, the Agency included Petitioner's rent of \$1202, and applied the standard deduction for a household of one of \$167, as well as the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548. See "Food Stamp Calculation (IMFS)" screens; see also N.J.A.C. 10:87-6.16(b)(4), (8) and DFD Instruction ("DFDI") 19-09-01 at 11. The Agency also utilized various amounts for the medical expense deduction, with no amount, \$40, and \$140, respectively. See Initial Decision at 4, 9; see also N.J.A.C. 10:87-6.16(b)(4). After application of the various deductions, including the variant amounts for the medical expense deduction, Petitioner's net income for SNAP eligibility purposes was calculated to be above the threshold amount of \$1,041, and therefore, Petitioner was ineligible for SNAP benefits. See Initial Decision at 3, 9; see also DFDI 19-09-01 at 12. Based on the foregoing, the ALJ agreed with the Agency that Petitioner was ineligible for SNAP benefits, and therefore concluded that the Agency's determination was correct and must stand. Id. at 9. I agree.

By way of further comment, Petitioner is without prejudice to reapply for SNAP benefits if he is no longer receiving UIB income, and/or his living arrangements or medical expenses change.

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

Officially approved final version. **JAN - 7 2021**

---

Natasha Johnson  
Assistant Commissioner







## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 11352-20 C.M.

AGENCY DKT. NO. C210359013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that he had caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 23, 2020, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

Also on December 23, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner abandoned subsidized housing when he moved from New Jersey ("NJ") to New York ("NY"), to take a construction job. See Initial Decision at 2; see also Exhibit R-3. Several months thereafter, Petitioner moved back to New Jersey, attempted to get back into the subsidized housing that he had abandoned, but the landlord had refused to take him back due to nonpayment of rent. See Initial Decision at 2. Petitioner then moved in with his parents, but was removed from their residence due to a domestic violence incident. *Ibid.* Consequently, Petitioner first applied for EA benefits in Mercer County, where he received immediate need shelter, and then on the advice of Mercer County, applied for EA benefits in Monmouth County. *Id.* at 2-3; see also Exhibits R-1, R-2, R-3. However, the Monmouth County Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty upon Petitioner, on the basis that he had abandoned permanent affordable housing, without good cause, thereby causing his own homelessness. See Initial Decision at 3; see also Exhibit R-4, and N.J.A.C. 10:9-6.1(c)(3)(vii). The ALJ found that Petitioner had voluntarily abandoned his subsidized housing, and that he had failed to take any steps to pay his rent in order to preserve the loss of that housing while he was in NY. See Initial Decision at 3. Accordingly, the ALJ found that Petitioner had caused his own homelessness when he abandoned his housing, and that Petitioner's homelessness was not due to circumstances beyond his control or due to a lack of a realistic capacity to plan for substitute housing. *Ibid.*; see also N.J.A.C. 10:90-6.1(c), -6.1(c)(3)(vii). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 4; see also Exhibit R-4. I agree.



No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is advised that his six-month EA ineligibility penalty shall run from December 8, 2020, the date of the Agency's denial, through June 7, 2021. See Exhibit R-4.

By way of further 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.

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

Officially approved final version.

JAN - 7 2021

---

Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

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 20-034660 K.M.

AGENCY DKT. NO. R1867238 (COMMUNITY CHILD CARE SOLUTIONS)

On August 4, 2020, the Bureau of Administrative Review and Appeals ("BARA") received Petitioner's request for an Administrative Review. Petitioner disputes the Respondent Agency's ("Agency") denial of her New Jersey Cares for Kids/Child Care Assistance Program ("NJCK/CCAP") child care subsidy application.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed this matter and hereby AFFIRM the Agency's determination.

It is well-established that families shall be eligible for a child care subsidy if they are in need of child care services to remain employed, accept full-time employment, or to attend full-time educational and/or work/training programs. See N.J.A.C. 10:15-5.3(a). An individual in receipt of child care services must meet the income eligibility criteria and comply at all times with income eligibility requirements while in receipt of services. See N.J.A.C. 10:15-2.7(a)(8). In order to be eligible for subsidized child care services, an applicant's maximum annual gross income must not exceed 200% of the Federal Poverty Level ("FPL") Guidelines. See N.J.A.C. 10:15-5.2(b), -5.3(a); see also DFD Instruction ("DFDI") No. 17-04-02.

In the child care program, income is defined as the current gross income earned by all members of the family unit. See Child Care Operations Manual, III, General Provisions, Section (c), "Definitions," p. 10. It includes all earned and unearned income, and includes wages from salaries, overtime, tips, bonuses, commissions, winnings, and the like. See DFDI No. 09-06-06. Child support payments are considered unearned income for purposes of child care subsidy eligibility. See DFDI No. 12-12-08.

On September 17, 2020, BARA sent letters to Petitioner and the Agency requesting additional information necessary to conduct an Administrative Review. On October 15, 2020, the Agency provided sufficient information to proceed with the Administrative Review. To date, Petitioner has not responded to BARA's September 17, 2020, request for additional documentation.

The documentation establishes that the Agency received Petitioner's application for a child care subsidy on July 23, 2020. On the application, Petitioner indicated that she had a family size of three. Paystubs



provided with Petitioner's application showed that she earned \$2,486.25 bi-weekly. Petitioner's gross annual income from employment was calculated to be \$59,670. The child care guidelines permit a family of three to earn, at most, \$43,440 a year in order to be eligible for the subsidy program. See DFDI No. 20-04-04 (Income Eligibility effective March 1, 2020). Based upon its calculation, the Agency denied Petitioner's application by notice dated July 30, 2020.

I have reviewed the record, and based on the documentation presented, and for the reasons as outlined above, I find that the Agency's decision to deny Petitioner's application was proper and must be affirmed. Petitioner is without prejudice to reapply for a child care subsidy should her circumstances warrant.

Accordingly, the Agency's action in this matter is hereby AFFIRMED.

Officially approved final version. JAN 14 2021

---

Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

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 20-035403 T.H.

AGENCY DKT. NO. R9998888 (COMMUNITY CHILD CARE SOLUTIONS)

On August 14, 2020, the Bureau of Administrative Review and Appeals ("BARA") received Petitioner's request for an Administrative Review. Petitioner disputes the Respondent Agency's ("Agency") termination of his New Jersey Cares for Kids/Community Care Voucher Center ("NJCK/CCVC") child care subsidy.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed this matter, and hereby AFFIRM the Agency's determination.

It is well-established that families shall be eligible for a child care subsidy if they are in need of child care services to remain employed, accept full-time employment, or to attend full-time educational and/or work/training programs. See N.J.A.C. 10:15-5.3(a). An individual in receipt of child care services must meet the income eligibility criteria and comply at all times with income eligibility requirements while in receipt of services. See N.J.A.C. 10:15-2.7(a)(8). In order to be eligible for subsidized child care services, an applicant's maximum annual gross income must not exceed 200% of the Federal Poverty Level ("FPL") Guidelines. See N.J.A.C. 10:15-5.2(b), -5.3(a); see also DFD Instruction ("DFDI") No. 17-04-02.

It is the responsibility of the parent to report changes in circumstances to the Agency within ten working days. See N.J.A.C. 10:15-2.7(a)(6), -6.8(b), -5.2(b), and -5.3(b). Changes in circumstances include, but are not limited to, changes in income, work status, family size, a change in the participation of work activities, and changes in child care service need. Ibid.; see also Child Care Operations Manual, Section XIV, Section (e)(6), "Responsibilities of the Parent/Applicant," p. 81.

On October 8, 2020, BARA sent letters to Petitioner and the Agency requesting additional information necessary to conduct an Administrative Review. On October 21, 2020, the Agency provided sufficient information to proceed with the Administrative Review. To date, Petitioner has not responded to BARA's October 8, 2020, request for additional documentation.

The documentation establishes that on or around June 15, 2020, Petitioner applied for a NJCK child care subsidy. On June 23, 2020, the Agency requested that Petitioner provide, no later than July 7,



2020, a month's worth of current paystubs. Because Petitioner started a new job on May 15, 2020, he was unable to provide current paystubs. Subsequently, on July 15, 2020, Petitioner provided the requested paystubs. On July 20, 2020, the Agency notified Petitioner that he was eligible for the CCVC subsidy, and that if he was interesting in participating in the NJCK/CCVC subsidy program, he was to visit one of the CCVC centers included in the notice. The Agency also advised Petitioner that if he was not interested in utilizing the subsidy, he should contact the Agency, no later than July 30, 2020, and that if he does not contact the agency, his application would be placed in denied status. Petitioner did not visit any of the CCVC centers, nor did Petitioner contact the Agency by the deadline date of July 30, 2020. Accordingly, on August 3, 2020, the Agency notified Petitioner, that his NJCK/CCVC subsidy would be terminated, effective September 2, 2020, for failing to utilize the CCVC subsidy by the due date.

I have reviewed the record, and based on the record presented, and for the reasons as outlined above, I find that the Agency's decision to terminate Petitioner's NJCK/CCVC subsidy was proper and must be affirmed. Petitioner is without prejudice to reapply for a child care subsidy should his circumstances warrant.

Accordingly, the Agency's action in this matter is hereby AFFIRMED.

JAN 14 2021

Officially approved final version.

---

Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

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 20-035343 M.D.

AGENCY DKT. NO. R1870439 (COMMUNITY CHILD CARE SOLUTIONS)

On October 1, 2020, the Bureau of Administrative Review and Appeals ("BARA") received Petitioner's request for an Administrative Review. Petitioner disputes the Respondent Agency's ("Agency") denial of her New Jersey Cares for Kids/Child Care Assistance Program ("NJCK/CCAP") child care subsidy application.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed this matter and hereby AFFIRM the Agency's determination.

It is well-established that families shall be eligible for a child care subsidy if they are in need of child care services to remain employed, accept full-time employment, or to attend full-time educational and/or work/training programs. See N.J.A.C. 10:15-5.3(a). An individual in receipt of child care services must meet the income eligibility criteria and comply at all times with income eligibility requirements while in receipt of services. See N.J.A.C. 10:15-2.7(a)(8). In order to be eligible for subsidized child care services, an applicant's maximum annual gross income must not exceed 200% of the Federal Poverty Level ("FPL") Guidelines. See N.J.A.C. 10:15-5.2(b), -5.3(a); see also DFD Instruction ("DFDI") No. 17-04-02.

In the child care program, income is defined as the current gross income earned by all members of the family unit. See Child Care Operations Manual, III, General Provisions, Section (c), "Definitions," p. 10. It includes all earned and unearned income, and includes wages from salaries, overtime, tips, bonuses, commissions, winnings, and the like. See DFDI No. 09-06-06. Child support payments are considered unearned income for purposes of child care subsidy eligibility. See DFDI No. 12-12-08.

On October 8, 2020, BARA sent letters to Petitioner and the Agency, requesting additional information necessary to complete an Administrative Review. Petitioner provided documentation with her October 1, 2020, request for an Administrative Review. On October 22, 2020, in response to BARA's request, the Agency provided documents. Petitioner's documents provided on October 1, 2020, and the Agency's documents provided on October 22, 2020, comprise the record for this Administrative Review.



The documentation establishes that the Agency received Petitioner's application for a child care subsidy on September 20, 2020. On the application, Petitioner indicated that she had a family size of two. Paystubs included with Petitioner's application showed that she earned a gross income of \$1,622 bi-weekly. The Agency then calculated Petitioner's annual gross income to be \$42,172 (\$1,622 x 26). The child care guidelines permit a family of two to earn, at most, \$34,480 a year in order to be eligible for the subsidy program. See DFDI No. 20-04-04 (Income Eligibility effective March 1, 2020). Based upon its calculation, the Agency denied Petitioner's application, by notice dated September 22, 2020.

I have reviewed the record, and based on the documentation presented, and for the reasons as outlined above, I find that the Agency's decision to deny Petitioner's application was proper and must be affirmed. Petitioner is without prejudice to reapply for a child care subsidy should her circumstances warrant.

Accordingly, the Agency's action in this matter is hereby AFFIRMED.

Officially approved final version.

JAN 14 2021

---

Natasha Johnson  
Assistant Commissioner







State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716  
TRENTON, NJ 08625-0716

CAROLE JOHNSON  
*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 07535-20 Z.B.

AGENCY DKT. NO. C027803012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she violated motel rules, and thus, also failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 2, 2020, and continued on November 17, 2020, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for submission of additional documentation and then closed on November 30, 2020. On December 15, 2020, the ALJ issued an Initial Decision, affirming the Agency's 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, as discussed below.

EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, "[p]ossession of a weapon or an instrument used as a weapon after entry into the shelter," and/or "[t]hreatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents." See N.J.A.C. 10:90-6.3(c)(1), -6.3(c)(3).

EA recipients are required to develop and sign an EA service plan with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the requirements identified in the SP, without good cause, shall result in termination of EA benefits and a six-month period of EA ineligibility. Ibid.

Here, the record indicates that Petitioner executed numerous SPs which required her to comply with motel/shelter rules. See Initial Decision at 2; see also Exhibits R-2, R-5, R-6, R-7, R-9. The ALJ found that Petitioner failed to comply with the terms of her SPs, when she violated motel rules by having possession of illegal knives, and by threatening other motel residents with those knives, which resulted in police involvement and her termination from the motel placement. See Initial Decision at 2-3; see



also Exhibits R-4, R-11, R-12. Petitioner admitted to such motel rule violations, although attributing the altercation to having been instigated by others. See Initial Decision at 3; see also Exhibit R-3. Based on the testimony and evidence provided, the ALJ concluded that Petitioner had violated the terms of her SP, by violating motel rules, and that the Agency's termination of Petitioner's EA benefits, on that basis, was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-13, and N.J.A.C. 10:90-6.6(a).

I agree with the ALJ's conclusion that Petitioner failed to comply with her SP. See Initial Decision at 3-4. However, in instances such as this, where a violation of motel/shelter rules are at issue, it is the type of violation which is controlling, not the SP. See N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e). In this instance, the record indicates that Petitioner's possession of an illegal weapon on the shelter premises, and her act of threatening other motel residents with such weapon, violated motel rules, and on those bases, I find that Petitioner is ineligible for EA benefits for a period of six months in accordance with N.J.A.C. 10:90-6.3(c)(1), (3). See Initial Decision at 2-3; see also Exhibits R-4, R-11, R-12. Accordingly, I find that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Exhibits R-13, R-18. The Initial Decision is modified to reflect these findings with respect to the applicable legal basis in this case and the imposition of a six-month EA ineligibility penalty.

By way of comment, as Petitioner has been receiving continued assistance pending the outcome of this fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of issuance of this Final Decision. However, as it appears from the record that the Agency is willing to continue working with Petitioner in securing housing, the Agency is authorized to lift the six-month EA ineligibility penalty, and may assist Petitioner with securing such housing. See Initial Decision at 2.

By way of further comment, the ALJ also found that the Agency's termination of Petitioner's EA benefits, on the basis that she had failed to comply with her SP by failing to locate affordable housing, was proper. See Initial Decision at 2-4; see also Exhibits R-9, R-13, and N.J.A.C. 10:90-6.6(a). However, I find that due to DFD COVID-19 protocol, as stated in DFD Instruction 20-07-03, such termination was improper at the present time. See Exhibit R-18. Therefore, this issue has not been discussed in this Final Decision.

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

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

Officially approved final version.

JAN 14 2021

---

Natasha Johnson  
Assistant Commissioner





## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 07978-20 M.S.

AGENCY DKT. NO. C042785019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/General Assistance ("WFNJ/GA") benefits issued to Petitioner in January, 2019. The Agency asserts that Petitioner received WFNJ/GA benefits to which he was not entitled, resulting in overpayment of benefits which must be recouped. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 27, 2020, but was adjourned. The matter was rescheduled for November 10, 2020, and on that date, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On December 4, 2020, the ALJ issued an Initial Decision, affirming the Agency's action.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency action, based on the discussion below.

In accordance with regulatory authority, applicable to the WFNJ program, a recipient of WFNJ benefits is required to satisfy any repayment obligation pursuant to state or Federal law governing public assistance. See N.J.A.C. 10:90-2.2(a)(7). An overpayment of WFNJ benefits, including Emergency Assistance benefits, is subject to recoupment, "regardless of fault, including overpayments caused by administrative action or inaction[.]" See N.J.A.C. 10:90-3.21(a)(1).

The record in this matter reflects that Petitioner was issued \$231 in WFNJ/GA benefits in January, 2019, to Petitioner's EBT card, of which \$229.34 was cashed. See Initial Decision at 4; see also Exhibit R-1 at "GAAS payment history." Petitioner had begun receiving monthly Supplemental Security Income ("SSI") payments in December 2018, and therefore, was ineligible to receive WFNJ/GA benefits in January, 2019. See Initial Decision at 4; see also Exhibit R-1 at "Overpayment Summary," and "Dove SOLQ Detail" at 3. During the hearing in this matter, Petitioner acknowledged that he was, in fact, ineligible to receive the WFNJ/GA benefits issued to him in January, 2019. See Initial Decision at 4. Based on



the foregoing, the ALJ concluded that Petitioner was ineligible to receive WFNJ/GA benefits in January, 2019, and in accordance with applicable regulatory authority, which dictates repayment, regardless of fault, the Agency was entitled to recoup that issuance. See Initial Decision at 4, 6; see also N.J.A.C. 10:90-3.21(a)(1). Accordingly, the ALJ affirmed the Agency's demand for repayment of the January, 2019, WFNJ/GA benefits which had been issued, and cashed, by Petitioner. See Initial Decision at 6. I agree.

The ALJ further found that a prior recoupment, which occurred in another county where Petitioner previously resided, from Petitioner's lump-sum retroactive SSI benefits, was separate and apart from the present matter to collect WFNJ/GA benefits issued in January, 2019. See Initial Decision at 4. Based upon an independent review of the record, more specifically, Exhibit R-1 at "Repayment of Interim Assistance Authorization" and "Summary of Interim Assistance Payments," I also agree.

Finally, the ALJ concluded that the Agency had provided all relevant discovery to Petitioner, and Petitioner's assertions to the contrary were misplaced, and not likely to lead to any relevant evidence in this case. See Initial Decision at 4-5. I also agree.

Based on the foregoing, the Agency's demand for repayment in this matter is hereby affirmed, and I ORDER and direct the Agency to proceed to recoup the overissuance of \$229.34.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency action is AFFIRMED, as outlined above.

Officially approved final version. **JAN 14 2021**

---

Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

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 07977-20 A.H.

AGENCY DKT. NO. C271203016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA"), benefits. While the case transmittal in this matter indicates that Petitioner's WFNJ/TANF benefits were terminated due to her receipt of Unemployment Insurance Benefits ("UIB"), and her EA terminated because she had lost WFNJ eligibility, the adverse action notice states a termination for Petitioner's alleged failure to notice the Agency of her receipt of UIB. A plenary hearing was originally scheduled for December 2, 2020, but was adjourned so that Petitioner could consult legal counsel. The matter was rescheduled, and on November 12, 2020, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Thereafter, from November 13, 2020, Petitioner submitted a number of emails to the ALJ pertaining to the case, and on December 3, 2020, the record then closed. On December 21, 2020, the ALJ issued an Initial Decision, reversing 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 REVERSE the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-9.1(b), an Agency must provide both adequate and timely notice advising of a termination, denial or suspension of welfare benefits. In part, adequate notice is a written notice outlining the intended action, the reasons for the action, the proper regulatory basis for the action, and an explanation of the individual's right to request a fair hearing. See N.J.A.C. 10:90-9.1(a). Timely notice is defined as "a notice that is mailed to the recipient at least 10 calendar days before the effective date of the action." N.J.A.C. 10:90-9.1(b)(1).

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 total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, if applicable) 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 two, such as Petitioner's, the maximum allowable benefit level is \$425. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 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).

The record in this matter reflects that, on or about June 22, 2020, Petitioner advised the Agency that she had applied, and was approved, for Unemployment Insurance Benefits ("UIB"), in the weekly amount of \$231. See Initial Decision at 2; see also Exhibit P-1. Thereafter, on July 25, 2020, the Agency notified Petitioner that it would be terminating Petitioner's EA benefits because she had purportedly failed to advise the Agency of her receipt of UIB, in violation of her EA service plan. See Initial Decision at 2; see also Exhibit P-2. Petitioner then requested a fair hearing on August 4, 2020. See Case Transmittal. At the hearing, the ALJ concluded that Petitioner had indeed provided the Agency with notice of her receipt of UIB in late June, 2020, and that the Agency had failed to provide Petitioner with adequate notice of her benefits termination, as required by N.J.A.C. 10:90-9.1(a), (b). See Initial Decision at 4. Additionally, the Agency was unable to provide any competent evidence that it had notified Petitioner, verbally or in writing, that her receipt of UIB would, consequently, result in the ineligibility for continued WFNJ and EA benefits. *Id.* at 5. As such, the ALJ concluded that the Agency's July 25, 2020, notice was not in compliance with applicable regulatory authority, and therefore, the Agency's action was improper and should be reversed. *Id.* at 5. I agree, as proper due notice is required to make benefits recipients fully aware of the reason for the Agency's adverse actions, and also to provide the ability to present a defense at a fair hearing. The ALJ in this matter further concluded that, if the Agency were to proceed with termination of Petitioner's WFNJ/TANF and EA benefits, proper notice in accordance with N.J.A.C. 10:90-9.1 must be given to Petitioner. See Initial Decision at 5. I also agree, and note, from an independent review of the record presented, that as it appears Petitioner is no longer eligible for WFNJ or EA benefits, as a result of her receipt of UIB, the Agency should therefore issue proper notice in an expedited manner, if it has not already proceeded to do so.

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

Officially approved final version.

JAN 14 2021

---

Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716  
TRENTON, NJ 08625-0716

CAROLE JOHNSON  
*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 08530-20 M.S.

AGENCY DKT. NO. C106831015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he violated motel/shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 9, 2020, but was adjourned as Petitioner required more time to prepare for the hearing. On October 23, 2020, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open to allow Petitioner's witness to submit documents. All documents were received on November 19, 2020, and the record then closed.

On December 8, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found, and the record substantiates, that the alleged threatening and/or disruptive behavior of Petitioner, which was the basis for the Agency's termination of his EA benefits, occurred at the motel where his girlfriend resided, not at the EA motel placement where he resided. See Initial Decision at 4, 8; see also Exhibits R-2, R-3, R-4, and N.J.A.C. 10:90-6.3(c). Moreover, the Agency acknowledged that the threatening and/or disruptive behavior did not take place at Petitioner's EA motel placement. See Initial Decision at 4, 6. As such, the ALJ found that the relevant motel rule violation regulation, upon which the Agency relied, did not apply to Petitioner in this instance. See Initial Decision at 8; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(c)(3). Of note, the ALJ found, and the record also substantiates, that Petitioner's girlfriend rescinded her allegations that domestic violence had occurred at the motel where she was residing. See Initial Decision at 4-5; see also Exhibits P-1, P-2, and P-3. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 8-9; see also Exhibit R-2. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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



Officially approved final version.

JAN 14 2021

---

Natasha Johnson  
Assistant Commissioner







## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 09807-20 C.C.

AGENCY DKT. NO. C132720003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA benefits, contending that she moved into an unaffordable apartment, and that she is not homeless or imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 7, 2020, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On December 9, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on May 19, 2020, Petitioner, a Supplemental Security Income ("SSI") benefits recipient, applied for EA benefits, and at that time, she had been residing with her sister. See Initial Decision at 2-3; see also Exhibits C, G. The record further indicates that sometime shortly after having applied for EA benefits, Petitioner signed a one year lease for an apartment that she could not afford, with a move in date of June 1, 2020, and without prior approval by the Agency. See Initial Decision at 2-3; see also Exhibits E, F, and H. The ALJ found that Petitioner was not homeless or imminently homeless at the time she applied for EA benefits, and that she had moved into an apartment that was unaffordable without prior approval by the Agency. See Initial Decision at 3. Moreover, there is no evidence in the record that Petitioner is currently homeless, or imminently homeless. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 3-4; see also Exhibit A, and N.J.A.C. 10:90-6.1(c),-6.3(a)(1). I agree.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is advised that should her circumstances change, (i.e., should she be faced with an actual or imminent eviction, and/or should she find affordable housing), she is without prejudice to reapply for EA benefits.

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



Officially approved final version.

JAN 14 2021

---

Natasha Johnson  
Assistant Commissioner





## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 **10256-20** L.H.

AGENCY DKT. NO. **S499214012** (MIDDLESEX COUNTY BD. 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 reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/GA benefits because the assistance unit's unearned income from Unemployment Insurance Benefits ("UIB") put the WFNJ/GA assistance unit ("AU") over 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. Petitioner's SNAP benefits were reduced due to household's increase in unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 15, 2020, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On December 31, 2020, 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.

In relevant part, pursuant to N.J.A.C. 10:90-2.2(a)(3), as a condition of eligibility for WFNJ cash benefits, the applicant/recipient must apply for all other assistance for which they may be eligible.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the AU'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. 10:90-3.1(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. Effective July 1, 2019, the benefit level for an unemployable WFNJ/GA AU, consisting of one person, is \$277 per month. See N.J.A.C. 10:90-3.6(a); see also DFD 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 the WFNJ/GA benefits AU consists of Petitioner. See Initial Decision at 3. The record further reflects that Petitioner applied, and was approved, for weekly UIB in the amount of \$231, and that he received retroactive UIB to April 18, 2020. Ibid.; see also Exhibit R-G. As the AU's monthly income from UIB exceeded the maximum allowable monthly benefit level of \$277 for continued WFNJ/GA benefits eligibility for an unemployable AU of one, by notice dated October 19, 2020, the Agency terminated Petitioner's WFNJ/GA benefits. See Exhibit R-A; see also DFD IT 19-21. Additionally, by notice dated October 20, 2020, the Agency terminated Petitioner's EA benefits. See Exhibit R-10; see also N.J.A.C. 10:90-6.2(a). Based on the evidence presented, the ALJ found that Petitioner was ineligible for WFNJ/GA benefits, due to excess income, and because he was no longer a WFNJ benefits recipient, he was no longer eligible EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-3.6(a), -6.2(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA and EA benefits was proper and must stand. See Initial Decision at 4, 5; see also Exhibits R-1, R-10. I agree.

With respect to the reduction of Petitioner's SNAP benefits, the ALJ further concluded that the inclusion of Petitioner's UIB income in the SNAP calculations was proper. See Initial Decision at 4. Furthermore, due to the increase in the household's income from UIB, the ALJ concluded that the reduction in Petitioner's SNAP benefits was proper. Ibid.; see also Exhibit R-F. 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 benefit allotment will decrease. See Exhibit R-F.

By way of comment, Petitioner is without prejudice to reapply for WFNJ cash and EA benefits at such time that his UIB ends, and should also advise his SNAP caseworker of same.

By way of further 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.

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

Officially approved final version. JAN 14 2021

---

Natasha Johnson  
Assistant Commissioner





## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 10992-20 Z.K.

AGENCY DKT. NO. C052120018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits because Petitioner's income exceeded the maximum permissible level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 29, 2020, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On January 5, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED, based on the discussion below.

Regulatory authority applicable to SNAP benefits cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3. Further, N.J.A.C. 10:87-5.5(a)(2) specifically includes "unemployment compensation" as unearned income which to be included when determining a household's SNAP eligibility.

In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. N.J.A.C. 10:87-6.16(d)(2), states that households that do not contain an elderly or permanently disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4. N.J.A.C. 10:87-6.16(b) further outlines the procedures used to calculate both gross and net income for SNAP benefits purposes, and the applicable benefit levels, if eligible. The regulation provides that the applicant's monthly net income is determined by adding together all earned and unearned income, then subtracting all income exclusions. Then, the standard deduction, based upon the size of the household, is subtracted from the income.



Thereafter, the household is evaluated to determine if a medical deduction is appropriate, which is if the household has medical expenses that exceed \$35.00. If the household is entitled to a medical deduction, then the amount in excess of \$35.00 is subtracted from the applicant's income. Then, the applicant is evaluated for an excess shelter deduction. Such a deduction is permitted when the individual's shelter costs exceed 50% of their net income. If this deduction is allowable, then the difference between the shelter costs and the 50% net income, or up to the maximum allowable amount, is subtracted from the individual's income. The remaining figure is Petitioner's net income for SNAP benefits purposes. This net income is then compared against the maximum allowable net income amount for the household's size, as outlined at N.J.A.C. 10:87-12.3, to determine eligibility. If eligible, the household's monthly SNAP allotment shall be equal to the maximum food stamp allotment for the household's size, reduced by 30 percent of the household's net monthly income. See N.J.A.C. 10:87-12.6(a)(1).

The record in this matter reflects that Petitioner's household is comprised of three people. See Initial Decision at 3. The record further reflects that Petitioner and her husband both presently receive unearned income in the form of Unemployment Insurance Benefits, totaling \$2,639. *Ibid.*, see also Exhibit R-1 at 11, 15. At the hearing, the Agency submitted calculations sheets from October 2, 2020, and December 23, 2020. See Exhibit R-1 at 11 and 15. The calculations sheet from October 2, 2020, shows that after inclusion of the standard deduction for a household of three people of \$167, and factoring in Petitioner's rent, the household's net income, for SNAP eligibility purposes, was calculated to be \$2,208. See Exhibit R-1 at 11. The maximum allowable net income for a household of three persons is \$1,810, and therefore, Petitioner's household does not meet the net income test for receipt of SNAP benefits. See DFD Instruction 20-09-04 at 12. The December 23, 2020, calculations sheet indicates the inclusion of the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548. *Id.* at 11; see also N.J.A.C. 10:87-6.16(b)(8). With the inclusion of the HCSUA, Petitioner's net income for SNAP eligibility purposes was calculated to be \$1,886, still above the threshold of \$1,810, and thus Petitioner remains ineligible for SNAP benefits. Based on the foregoing, I agree with the ALJ's final conclusion that Petitioner's household income exceeds the maximum net income level allowable, and therefore, Petitioner is ineligible for SNAP benefits. See Initial Decision at 3-4. Accordingly, the Agency's termination of Petitioner's SNAP benefits in this matter was proper and must stand. *Ibid.*; see also Exhibit R-1 at 5.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits if either she and/or her husband are no longer receiving UIB income, and/or their living arrangements or other expenses (such as medical expenses) change.

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

Officially approved final version. JAN 14 2021

---

Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 10628-20 C.N.

AGENCY DKT. NO. C365869007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that Petitioner was not homeless or imminently homeless, and that she failed to show up at her shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for November 17, 2020, but was adjourned due to a miscommunication with the Fair Hearing Liaison. On November 18, 2020, and continued on November 20, 2020, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open to allow Petitioner the opportunity to submit additional documentation. No additional documents were received, and the record then closed on November 24, 2020.

On November 24, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had failed to appear at her first shelter placement, and was terminated from her second shelter placement because she had failed to return to the shelter on several occasions. See Initial Decision at 2-5; see also Exhibit R-1 at 1-2, 9, 11-16. The record also indicates that, although temporary, Petitioner is currently living with her mother. See Initial Decision at 2-4; see also Exhibit R-1 at 9, 10. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 5-6; see also Exhibit R-1 at 27-31, and N.J.A.C. 10:90-6.1(c)(3). I agree.

However, the ALJ found that, due to Petitioner's medical issues, which resulted in an extended hospital stay, and also due to issues regarding her children, Petitioner had good cause for her irregular shelter attendance. See Initial Decision at 3, 5. At the hearing, the Agency confirmed that a six-month period of ineligibility for EA benefits had not been imposed upon Petitioner. *Id.* at 5. As such, the ALJ concluded that Petitioner is not subject to a six-month EA ineligibility penalty. *Id.* at 5-6. I also agree.

No Exceptions to the Initial Decision were received.



As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is advised that should her circumstances change, (i.e., should she be faced with an actual or imminent eviction, and/or should she find affordable housing), she is without prejudice to reapply for EA benefits. Petitioner is further advised that it is her responsibility to locate affordable housing, and that the Agency may assist her when, and if, possible.

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

Officially approved final version. JAN 14 2021

---

Natasha Johnson  
Assistant Commissioner







State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 11424-20 N.W.

AGENCY DKT. NO. S620020012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she violated shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 24, 2020, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On December 28, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner was required to comply with motel/shelter rules. See Initial Decision at 3; see also Exhibit R-1 at 12, 17, and 22. The ALJ found, and the record substantiates, that Petitioner had been terminated from her motel placement for violating shelter rules by engaging in threatening/disruptive actions and behaviors, including possession of a deadly weapon, which resulted in police involvement; and for smoking in her motel room, in violation of health and safety policies. See Initial Decision at 3, 5; see also Exhibit R-1 at 38 through 45. Petitioner admitted to smoking in her motel room. See Initial Decision at 5. Although Petitioner disputed that she had been involved in assaulting her friend with a deadly weapon while he was visiting her in her motel room, the ALJ found that Petitioner had failed to provide any corroborative evidence to the contrary. *Id.* at 4. Based on the foregoing, the ALJ concluded that Petitioner had violated motel rules, without good cause, and on that basis, affirmed the Agency's termination of Petitioner's EA benefits and the imposition of a six-month EA ineligibility penalty. *Id.* at 5; see also Exhibit R-1 at 47-48, and N.J.A.C. 10:90-6.3(c)(1), (3), (5). I agree.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, I note that, in instances such as this, where a violation of motel/shelter rules are at issue, it is the type of violation which is controlling, not the EA service plan. See N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e). See Initial Decision at 3, 5.



By way of further comment, Petitioner is advised that her six-month EA ineligibility penalty shall run from December 20, 2020, the effective date of the Agency's termination, through June 19, 2021. See Exhibit R-1 at 47-48.

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

Officially approved final version. JAN 14 2021

---

Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

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 10704-20 J.W.

AGENCY DKT. NO. C126767003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of his applications for Work First New Jersey/General Assistance ("WFNJ/GA"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency denied Petitioner WFNJ/GA and SNAP benefits because his total monthly income was over the maximum allowable benefit level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 4, 2021, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 8, 2021, the ALJ issued an Initial Decision, affirming the Agency's 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Regulatory authority applicable to SNAP benefits cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits for both adults and children in the household. See N.J.A.C. 10:87-5.5(a)(2).

In accordance with N.J.A.C. 10:87-6.16(d)(2), in determining SNAP benefits eligibility, households that do not contain an elderly or permanently disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4.

Gross income is determined by adding together the household's monthly earned and unearned income, minus any earned income exclusions. See N.J.A.C. 10:87-6.16(b), (b)(1). That total gross income amount is then utilized to determine a household's SNAP eligibility in accordance with N.J.A.C. 10:87-6.16(d)(1) and (2).



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). 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 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. Effective July 1, 2019, the maximum allowable benefit level for an unemployable WFNJ/GA assistance unit that consists of one individual is \$277 per month. See N.J.A.C. 10:90-3.6(a); see also DFD IT No. 19-21.

Here, the record reflects that Petitioner applied for WFNJ/GA and SNAP benefits in early September, 2020. See Initial Decision at 2. The record further shows that Petitioner receives \$724 in monthly Unemployment Insurance Benefits ("UIB"), and \$1427 in Retirement, Survivors and Disability Insurance ("RSDI") benefits, for a total household income of \$2,151. See Initial Decision at 2, 4; see also R-1 at Exhibit 1. As Petitioner's income from the combined unearned income of UIB and RSDI benefits exceeds the employable WFNJ/GA maximum allowable income level of \$278 for initial eligibility, Petitioner is ineligible for WFNJ/GA benefits. See Initial Decision at 4; See N.J.A.C. 10:90-3.5(a); see also DFD IT No. 19-21. Accordingly, while I agree with the ALJ's final conclusion in this matter, that Petitioner is ineligible for WFNJ/GA benefits, and therefore, the Agency's denial in this case was proper, I find that the proper maximum allowable income level for initial WFNJ/GA eligibility for an employable assistance unit of one person is \$278. See N.J.A.C. 10:90-3.5(a); see also DFD IT No. 19-21. The Initial Decision is modified to reflect this finding. I note that the amount utilized by the ALJ, \$1383, is the amount of income, above which, the WFNJ recipient, who is subject to simplified reporting, must advise the Agency of the income change, and which is for SNAP purposes, not WFNJ/GA eligibility.

With respect to the denial of SNAP benefits, as the record does not reflect that Petitioner is elderly, or permanently disabled, Petitioner must meet both the gross and net income tests for SNAP benefits eligibility. See N.J.A.C. 10:87-6.16(d)(2). At the time of Petitioner's application, September 2, 2020, the maximum allowable gross income level was \$1,926, and effective October 1, 2020, that amount was raised to \$1,968. See DFD Instruction ("DFDI") 19-09-01 at 13, and DFDI 20-09-04 at 13. Petitioner's total gross income of \$2,151 exceeds both the maximum allowable gross income amount both at the time of his application, as well as the current amount, and as such, Petitioner is ineligible for SNAP benefits. See N.J.A.C. 10:87-6.16(d)(2); see also R-1 at Exhibit 1. Based on the foregoing, the ALJ found that the Agency's denial of SNAP benefits in this case was proper and must stand. See Initial Decision at 4. 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 SNAP benefits at such time that he is no longer receiving UIB.

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

Officially approved final version.

JAN 14 2021

---

Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 20-034956 O.C.

AGENCY DKT. NO. R1682942 (COMMUNITY CHILD CARE SOLUTIONS)

On or about September 1, 2020, the Bureau of Administrative Review and Appeals ("BARA") received Petitioner's request for an Administrative Review. Petitioner disputes the Respondent Agency's ("Agency") termination of her New Jersey Cares for Kids/Child Care Assistance Program ("NJCK/CCAP") child care subsidy application on redetermination.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed this matter, and hereby AFFIRM the Agency's action.

It is well-established that parents receiving subsidized child care services are in need of those child care services to remain employed, accept full-time employment, or to attend full-time educational and/or work/training programs. See N.J.A.C. 10:15-5.2(b) and -5.3(a). Full-time employment (for child care eligibility) during a Redetermination means employment that totals 25 or more hours per week. See Child Care Operations Manual, III, General Provisions, (c) "Definitions"; see also N.J.A.C. 10:15-1.2, and DFD Instruction ("DFDI") 10-1-4. In the child care program, income is defined as the current gross income earned by all members of the family unit. See Child Care Operations Manual, III, General Provisions, section (c), "Definitions." It includes all earned and unearned income, and includes wages from salaries, overtime, tips, bonuses, commissions, winnings, and the like. See DFDI 09-6-6. A parent/applicant in receipt of subsidized child care services must provide the documentation and verification of eligibility requirements for the child care service program(s). See N.J.A.C. 10:15-2.7(a)(1).

Further, "[u]nder no circumstances, can a family's income exceed 85 percent of the State Median Income (SMI) for a family of the same size and remain eligible for assistance." See DFDI 17-04-02 at 2.

On October 8, 2020, BARA sent letters to Petitioner and the Agency requesting additional information necessary to conduct an Administrative Review. On October 27, 2020, the Agency responded by providing a copy of Petitioner's file. Petitioner did not respond.

The documentation provided establishes that on July 14, 2020, the Agency sent Petitioner an application for redetermination of eligibility for the NJCK/CCAP subsidy. On July 28, 2020, Petitioner returned the completed redetermination application, and also provided a Notification of Change Form, informing the



Agency that due to COVID, her employment hours were reduced to zero. Based upon the paystubs included with Petitioner's July 14, 2020, redetermination application, Petitioner's gross annual income was calculated to be \$50,150.49. During a redetermination, the child care guidelines permit a family of two to earn, at most, \$43,100 a year in order to remain eligible for the subsidy. See DFDI No. 20-04-04 (Income Eligibility effective March 1, 2020). Based upon its calculation, the Agency notified Petitioner that her NJCK/CCAP subsidy would be terminated, effective August 31, 2020.

I have reviewed the record, and based on the documentation presented, and for the reasons as outlined above, I find that the Agency's decision to terminate Petitioner's subsidy was proper and must be affirmed.

On September 2, 2020, the Agency notified Petitioner that because her income had exceeded 250% of the Federal Poverty Level ("FPL"), she was eligible for the Gradual Phase-Out period, which granted her an additional year of child care assistance, until August 31, 2021. At the time of this writing, BARA has confirmed that Petitioner is receiving the subsidy, and that it will end on August 31, 2021.

Accordingly, the Agency's decision to terminate Petitioner's subsidy is hereby AFFIRMED. Petitioner will continue to receive the NJCK/CCAP subsidy under the Graduated Phase-Out period until August 31, 2021. Thereafter, Petitioner may reapply for a subsidy, should her circumstances warrant.

Officially approved final version.

JAN 21 2021

---

Natasha Johnson  
Assistant Commissioner





## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 08253-20 N.G.

AGENCY DKT. NO. C256533007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that she failed to provide required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 9, 2020, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On December 11, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner applied for WFNJ/GA benefits on February 13, 2020, and on that same date, the Agency requested certain documentation needed to determine her WFNJ/GA benefits eligibility. See Initial Decision at 2; see also Exhibit R-1 at 2, 7-26. In March 2020, the Agency denied Petitioner WFNJ/GA benefits, contending that she failed to provide the requested documentation. See Initial Decision at 2; see also N.J.A.C. 10:90-2.2(a)(5). However, the ALJ found Petitioner credible when she testified that she had provided all documentation requested, some of which had already been in the Agency's possession; found that the Agency was unable to prove what documentation Petitioner had failed to provide; found that the Agency could only speculate as to the reason Petitioner was denied WFNJ/GA benefits; and moreover, found that the Agency had failed to properly notice Petitioner of its denial of WFNJ/GA benefits. See Initial Decision at 2-4; see also Exhibit R-1 at 32-36, and N.J.A.C. 10:90-9.1(a), (b). Based on the foregoing, the ALJ concluded that the Agency had not proven, by a preponderance of the evidence, that its denial of Petitioner's February 12, 2020, WFNJ/GA benefits application was proper. See Initial Decision at 3-4. Accordingly, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was improper, and ordered to the Agency to provide Petitioner with WFNJ/GA benefits retroactive to April 1, 2020. *Id.* at 4. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.



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

Officially approved final version.

JAN 21 2021

---

Natasha Johnson  
Assistant Commissioner







State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 00015-21 J.F.

AGENCY DKT. NO. S437828015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she refused appropriate housing offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 7, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 8, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on January 11, 2021.

As Assistant Commissioner, Division of Family Development, 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 MODIFY the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). Such documentation may be in the form of a letter from a landlord or other person, such as a family member or relative, serving in such a capacity. Ibid.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." Such emergency housing may include placement in a shelter. Ibid.

Here, the record reflects that prior to applying for EA benefits Petitioner had been residing in a residential facility in Ocean County for four years. See Initial Decision at 2-3; see also Exhibits R-3, R-4. Said residential facility closed in August 2020, and at that time the facility offered to place her in either another residential facility or a nursing home in Ocean County. Ibid. Petitioner refused the placements offered,



choosing to live with her brother instead. See Initial Decision at 2. Thereafter, Petitioner applied for EA benefits. Ibid.; see also Exhibit R-2. Taking into consideration Petitioner's mental and physical issues, the Agency appropriately offered Petitioner placement in either a residential or nursing home facility. See Initial Decision at 3; see also Exhibits R-3, R-4. As there were no such facilities available in Ocean County at that time, the Agency offered Petitioner placement in either Essex or Cape May Counties. See Initial Decision at 3, 5. For various reasons, Petitioner refused such placement, stating that she wanted to be placed in a motel in Ocean County instead. Id. at 3-4. On the basis of that refusal, the Agency denied Petitioner EA benefits. Id. at 2, 5; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). However, based on Petitioner's particular circumstances, the ALJ found that placing Petitioner outside of Ocean County, where she would be more than an hour away from her brother in case of emergency, where she receives medical treatment, and where she is seeking to locate permanent housing, would not be in keeping with a public policy of "maintaining homeless persons in or as close to their municipality of residence as possible." See Initial Decision at 6; see also N.J.A.C. 10:90-6.6(a)(1)(i)(1). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, on the basis that she refused out-of-county placement, was improper, and that the Agency is to provide Petitioner with temporary housing within the confines of Ocean County. See Initial Decision at 5-6; see also Exhibit R-1.

While I agree with the ALJ, that an EA applicant is to be provided housing within their community, if possible and if circumstance warrant, however, I also find that it is the Agency who shall determine the most appropriate form of housing required to address Petitioner's particular circumstances. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.3(a)(1), -6.6(a)(1)(i)(1). Nevertheless, based on an independent review of the record, I find that, at the time Petitioner applied for EA benefits she was residing with her brother, and that she continues to reside with her brother. See Initial Decision at 2-3; see also Exhibit R-2. Further, although Petitioner testified that she could no longer remain in her brother's home, her brother also testified at the hearing in this matter, never mentioning that Petitioner could no longer continue to reside with him, nor providing any documentation to that affect, as required in accordance with applicable regulatory authority. See Initial Decision at 4; see also N.J.A.C. 10:90-6.3(a)(1)(ii). Accordingly, I find that Petitioner is not homeless or imminently homeless, and therefore, she is ineligible for EA benefits. See N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). On this basis, I agree the Agency's denial of EA benefits to Petitioner. See Exhibits R-1, R-2. The Initial Decision, as well as, the Agency's determination, are modified to reflect these findings.

By way of comment, Petitioner is advised that should her circumstances change, she may reapply for EA benefits. Petitioner is further advised that it is the Agency who shall determine the appropriate form of housing offered. See N.J.A.C. 10:90-6.3(a)(1).

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

Officially approved final version. JAN 21 2021

---

Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

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 09737-20 J.K.

AGENCY DKT. NO. S511611012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA"), benefits, and the reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because the household's combined unearned income from Unemployment Insurance Benefits ("UIB") and child support payments put the WFNJ/TANF assistance unit ("AU") over the maximum benefit eligibility level for receipt of said benefits, and terminated Petitioner's EA benefits, because Petitioner was no longer a WFNJ, nor a Supplemental Security Income ("SSI"), benefits recipient. Petitioner's SNAP benefits were reduced due to household's increase in unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 8, 2020, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On December 21, 2020, 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 the MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

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, reapplicant 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 (hereinafter "AU") of two, such as Petitioner's, effective July 1, 2019, the maximum allowable income level for initial eligibility is \$638. See N.J.A.C. 10:90-3.3(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 WFNJ/TANF is found to exist, financial eligibility continues to exist so long as the AU's total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, if applicable) is less than the maximum benefit payment level allowable for the size of the AU, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an AU of two, such as Petitioner's, the maximum allowable benefit level is \$425. See N.J.A.C. 10:90-3.3(b); see also DFD IT 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 the WFNJ/TANF benefits AU consists of Petitioner and her son. See Initial Decision at 3. An independent review of the record also reflects that Petitioner began receiving WFNJ/TANF and EA benefits in December 2017. See Exhibits R-1, R-17. The record further reflects that Petitioner's son began receiving weekly UIB in June 2020. See Initial Decision at 3; see also Exhibit R-C. Petitioner's son receives \$1,152 monthly in UIB. Ibid. As the AU's monthly income from UIB, combined with Petitioner's child support income, exceeded the maximum allowable monthly benefit level of \$425 for continued WFNJ/TANF benefits eligibility for an AU of two, by notice dated September 17, 2020, the Agency terminated Petitioner's WFNJ/TANF benefits. See Exhibits R-12 and R-G; see also N.J.A.C. 10:90-3.3(b) and DFD IT 19-21. Additionally, by notice dated September 18, 2020, the Agency terminated Petitioner's EA benefits. See Exhibit R-14; see also N.J.A.C. 10:90-6.2(a). Based on the evidence presented, the ALJ found that Petitioner was ineligible for WFNJ/TANF benefits, due to excess income, and because she was no longer a WFNJ benefits recipient, she was no longer eligible EA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-3.3(b), -6.2(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was proper and must stand. See Initial Decision at 6, 7; see also Exhibits R-12, R-14. I agree. However, the Initial Decision is modified to reflect that the maximum allowable benefit level for continued WFNJ/TANF eligibility in this matter is \$425, rather than the amount of \$638, as incorrectly stated by the ALJ, as that amount is the maximum income level for initial eligibility, not continued eligibility. See N.J.A.C. 10:90-3.3(a), (b); see also DFD IT 19-21. Additionally, the AU's total income in this matter, considered for WFNJ/TANF benefits, is \$1619. See Initial Decision at 4. The amount of \$1452, stated by the ALJ, is the household's monthly net income for SNAP benefits eligibility, not WFNJ/TANF eligibility. See Initial Decision at 4, 6; see also Exhibit R-13. The Initial Decision is also modified to reflect these findings.

With respect to the reduction of Petitioner's SNAP benefits, the ALJ concluded that the Agency had correctly calculated Petitioner's SNAP benefits based on the increase in household unearned income, and affirmed the Agency's determination. See Initial Decision at 7; see also Exhibits R-13 and R-H. Based on an independent review of the record, I 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. See Exhibits R-13 and R-H (showing the revised SNAP allotment calculations for Petitioner's household with the increased income from UIB, resulting in a reduction of SNAP benefits). However, the record in this matter further shows that, by notice dated September 29, 2020, Petitioner was advised that her SNAP benefits allotment had been recalculated to include her full shelter costs, resulting in an increase of Petitioner's monthly SNAP benefits allotment. See Exhibit R-I; see also Initial Decision at 3.

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

By way of further comment, Petitioner is without prejudice to reapply for WFNJ/TANF and EA benefits if the assistance unit no longer receives UIB income, and should also advise her SNAP caseworker, so that her SNAP benefits allotment may be adjusted accordingly.

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



Officially approved final version.

JAN 21 2021

---

Natasha Johnson  
Assistant Commissioner





## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 **04935-20 R.G.**

AGENCY DKT. NO. **S593585009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJGA benefits, contending that he failed to comply with the required WFNJ 28-day work activity, and that his MED-1 form was incomplete. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for September 1, 2020, but was rescheduled to October 7, 2020, due to telephonic technical difficulties. On that rescheduled date, a prehearing telephonic conference was held and the hearing was again adjourned to allow Petitioner the opportunity to retain legal counsel. On October 20, 2020, the Honorable Sarah H. Sargent, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow the parties the opportunity to submit post-hearing briefs. Petitioner's counsel submitted a post-hearing brief with exhibits on November 5, 2020, and Respondent's post-hearing brief was due by November 10, 2020. No such post-hearing brief was filed by Respondent, and the record then closed on November 10, 2020.

On November 30, 2020, The ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found, the Agency admitted, and the record substantiates, that on January 14, 2020, Petitioner had provided the Agency with a completed MED-1 form which indicated that he was permanently disabled for 12 months, and was precluded from any form of "work activity" on a sustained basis, from January 14, 2020, through January 14, 2021. See Initial Decision at 2-3, 5-6; see also Exhibits P-1, J-3. However, Petitioner's MED-1 form also indicated that he could perform certain activities for six to eight hours per day, and certain other activities for one to three hours per day; and on that basis, the Agency determined that Petitioner was not permanently disabled and could indeed participate in a work activity. See Initial Decision at 3, 5-6; see also Exhibit J-3. Consequently, the Agency denied Petitioner's WFNJ/GA benefits because he had failed to participate in the required WFNJ 28-day work activity protocol. See Initial Decision at 4; see also Exhibit J-1.

However, the ALJ found that Petitioner's physician had determined that he was permanently disabled and unable to participate in any form of work activity for a period of 12 months, and that the Agency was not authorized to question the judgment of an attending physician where the submitted MED-1



form complies with the regulatory requirements. See Initial Decision 8-9; see also Exhibit J-3, and Division of Family Development Instruction (“DFDI”) No. 15-01-04, (providing guidance to the Agency regarding MED-1 form reviews, and which states in pertinent part, that the Agency staff “should not question any diagnoses, diagnostic codes, or the credentials of any healthcare professionals entered on the MED-1”). Stated differently, the Agency may only evaluate a MED-1 form for “completeness,” or “fraud,” not for medical accuracy or medical judgment. Ibid. The ALJ also found that Petitioner had provided the Agency with proof that he had applied for Supplemental Security Income benefits. See Initial Decision at 4; see also Exhibit P-6. Further, the ALJ found that Petitioner was not adequately noticed of the Agency’s denial of WFNJ/GA benefits, as it had failed to cite to the relevant regulations, and failed to include the notice page(s) which explained to Petitioner his “right to request a hearing,” as well as the “name, address and phone number for legal services.” See Initial Decision at 6-7; see also Exhibit J-1, and N.J.A.C. 10:90-9.3(d). Based on foregoing, the ALJ concluded that Petitioner had provided the Agency with a valid 12-month MED-1 form, that Petitioner was therefore, deferred him from any form of WFNJ work activity for a period of 12-months, including the 28-day work activity protocol, and that the Agency failed to properly notice Petitioner of its denial of WFNJ/GA benefits. See Initial Decision at 7-10; see also Exhibits J-1, J-3, and N.J.A.C. 10:90-1.2(f)(8), -4.10(a)(2). Accordingly, the ALJ determined that the Agency’s denial of WFNJ/GA benefits to Petitioner was improper, and ordered the Agency to provide Petitioner with WFNJ/GA benefits retroactive to January 3, 2020, the date of Petitioner’s application for said benefits. See Initial Decision at 10; see also Exhibits J-1, J-2. I agree. The ALJ further ordered the Agency to assist Petitioner with all the information, forms, and communications necessary to ensure that his WFNJ/GA benefits will continue without lapse. See Initial Decision at 10. I also agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ’s Initial Decision, and following an independent review of the record, I concur with the ALJ’s final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s determination is REVERSED.

Officially approved final version. **JAN 28 2021**

---

Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
Acting Commissioner

SHEILA Y. OLIVER  
Lt. Governor

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 09618-20 K.H.

AGENCY DKT. NO. C021508019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutritional Assistance Program ("SNAP") benefits issued to Petitioner between November 2019, and February, 2020. The Agency asserts that Petitioner received EA benefits, as a result of being a WFNJ/TANF benefits recipient, as well as SNAP benefits, to which she was not entitled due to received child support income, resulting in overpayments of benefits which must be recouped. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 22, 2020, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 8, 2021, the ALJ issued an Initial Decision, reversing the Agency's action for recoupment with respect to the EA benefits.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and REVERSE the Agency's action for recoupment of the EA benefits, based on the discussion below.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. See N.J.S.A. 44:10-56. TANF is a component of WFNJ that provides assistance to adults with dependent children. See N.J.A.C. 10:90-1.1(b). In evaluating an individual's eligibility for WFNJ/TANF benefits, all countable income and resources of all persons in the assistance unit of which the applicant or recipient is a member, unless exempt, must be considered. See N.J.A.C. 10:90-3.1(a), -3.9(a), -3.10(a), -3.19 and -3.20. Income includes monies received as child support payments. See N.J.A.C. 10:90-3.10(b).

In accordance with regulatory authority, applicable to the WFNJ program, a recipient of WFNJ benefits is required to satisfy any repayment obligation pursuant to state or Federal law governing public assistance. See N.J.A.C. 10:90-2.2(a)(7). An overpayment of WFNJ benefits, including Emergency





Assistance benefits, is subject to recoupment, "regardless of fault, including overpayments caused by administrative action or inaction[.]" See N.J.A.C. 10:90-3.21(a)(1).

The record in this matter shows that Petitioner applied for WFNJ/TANF benefits in November 2019, and in December 2019, began receiving WFNJ/TANF for an assistance unit of four persons. Ibid. Petitioner receives child support from two separate absent parents, specifically, from Absent Parent #1, who pays through the NJ Kids child support payment portal, and also from Absent Parent #2. See Initial Decision at 3; see also Exhibit R-1 at 37-42. While payment of child support solely from Absent Parent #1 would not deem Petitioner ineligible for WFNJ/TANF benefits, the inclusion of any child support payments from Absent Parent #2 could. See Initial Decision at 2. The Agency asserted that two separate \$800 payments from Absent Parent #2, in November and December, 2019, were proof that Absent Parent #2 would now be paying that amount of support monthly, thereby rendering Petitioner ineligible for WFNJ/TANF benefits, and as such, EA payments totaling \$1,017.46 for back utilities, made on Petitioner's behalf in January, 2020, were overpayments which must be recouped. See Exhibit R-1 at 34, 44. However, the Agency admitted that it had no further proof to substantiate its assertions, and therefore, the ALJ found that the Agency had unreasonably presumed that Absent Parent #2 had made child support payments in January and February, 2020. See Initial Decision at 3, 4; see also Exhibit R-1 at 40-42. As such, the ALJ concluded that the Agency's action to recoup the EA benefits, issued in January 2020, was improper. Id. at 5. Based on an independent review of the record, I agree.

By way of comment, the Initial Decision states that the issue of the SNAP benefits overpayment, as well as the amount of said overpayment, were resolved during the course of the hearing in this matter, and a payment schedule was also set. See Initial Decision at 4. As such, this issue is not addressed in this Final Decision.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency action to recoup EA benefits issued in January, 2020, is REVERSED, as outlined above.

Officially approved final version. **JAN 28 2021**

---

Natasha Johnson  
Assistant Commissioner





## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 **08296-20 S.W.**

AGENCY DKT. NO. **C046672019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of her December, 2019, and May, 2020, applications for Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's applications for SNAP benefits, contending that Petitioner had failed to provide requested documentation necessary for eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 24, 2020, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The hearing continued on December 22, 2020, after the parties addressed the contents of the Agency's May 12, 2020, Request for Verification, and the record then closed.

On January 8, 2021, the ALJ issued an Initial Decision, affirming the Agency's determinations. Here, the record reveals that Petitioner first applied for SNAP benefits for herself and her two sons on December 23, 2019. See Initial Decision at 2; see also Exhibit R-1 at 5-22. The Agency sent Petitioner a Request for Verification, containing a list of requested documents. See Initial Decision at 2; see also Exhibit R-1 at 23. When Petitioner failed to provide all necessary documentation, the Agency denied Petitioner SNAP benefits on January 22, 2020. See Initial Decision at 2; see also Exhibit R-1 at 24-25. Thereafter, Petitioner reapplied for SNAP benefits on May 11, 2020. See Initial Decision at 2; see also Exhibit R-1 at 26-43. On May 12, 2020, the Agency sent Petitioner a Request for Verification, seeking, among other things, "documentation showing where [Petitioner's sons] are living (current piece of mail with their names on it)." See Initial Decision at 2; see also Exhibit R-1 at 44. On June 10, 2020, the Agency denied Petitioner's second application for SNAP benefits, for failure to provide all necessary documentation. See Initial Decision at 2; see also Exhibit R-1 at 45-46. It appears that Petitioner requested further explanation, and on July 15, 2020, the Agency sent Petitioner notice, advising that because Petitioner had failed to provide the Agency with proof that Petitioner's sons were currently living with her, or that she had custody of them, Petitioner could only be considered as a household of one person, and not three persons, and her income from Unemployment Insurance Benefits ("UIB"), put her over the income threshold for eligibility for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at 50. Petitioner maintained that she had no business-related type documents for her sons, and that she had provided her previous year's income tax returns as proof. See Initial Decision at 2. However, the ALJ agreed with the Agency that the 2019 Income Tax Returns did not constitute



proof of her sons' current address, and as such, the ALJ concluded that the Agency's denials of SNAP benefits to Petitioner were proper and must stand. See Initial Decision at 3, 5-6; see also N.J.A.C. 10:87-2.14. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits, should her circumstances change.

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

Officially approved final version. **JAN 28 2021**

---

Natasha Johnson  
Assistant Commissioner





## 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 08123-20 P.M.

AGENCY DKT. NO. C602904007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's alleged reduction of his Supplemental Nutrition Assistance Program ("SNAP") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 13, 2021, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 15, 2021, the ALJ issued an Initial Decision, affirming the Agency's action.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

The New Jersey Pandemic-Electronic Benefits Transfer (P-EBT) is a program to help purchase food for child(ren) who were eligible for free or reduced-price school meals (breakfast and/or lunch) but the school was closed due to the COVID-19 pandemic.

The record in this matter reflects that, in addition to his monthly SNAP benefits allotment, Petitioner was eligible for, and received two P-EBT payments. See Initial Decision at 2; see also Exhibit R-2. The ALJ in this matter determined that the record presented substantiated and confirmed that Petitioner had received the two P-EBT payments of \$832.81 and \$199.24, respectively. See Initial Decision at 2-3; see also Exhibits R-1, R-2. While Petitioner challenged the authenticity of the documents submitted into evidence by the Agency, the ALJ found that the exhibits fell under the business records exception to the hearsay rule, as the documents were established and kept in the ordinary course of business. See Initial Decision at 3; see also N.J.R.E. 803(c)(6). Based on the foregoing, the ALJ denied Petitioner's appeal in this matter. See Initial Decision at 3. I agree.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is AFFIRMED.



Officially approved final version. **JAN 20 2021**

---

Natasha Johnson  
Assistant Commissioner





## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 **07615-20 S.C.**

AGENCY DKT. NO. **C169342015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency denied Petitioner WFNJ/TANF and SNAP benefits, contending that she had failed to provide requested verification necessary to determine eligibility for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 23, 2020, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for the submission of additional documentation and then closed on October 30, 2020. On November 12, 2020, the ALJ issued an Initial Decision, reversing the Agency's determinations.

Exceptions to the Initial Decision were filed by the Agency on December 1, 2020.

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, AFFIRM in part the Agency's determination as to the denial of WFNJ/TANF benefits, and REVERSE and REMAND in part the Agency's determination as to the denial of SNAP benefits, based on the discussion below.

It is anticipated that the Agency will accept, process, and recommend action on applications for WFNJ cash benefits within 30 days. See N.J.A.C. 10:90-1.5(a). In order to be found eligible WFNJ/GA for benefits, the applicant must provide all necessary documentation requested by the county welfare agency. See N.J.A.C. 10:90-2.2(a)(5). The Agency has the responsibility to secure verification from secondary sources as necessary in order to determine eligibility. See N.J.A.C. 10:90-1.6(a).

An applicant for WFNJ benefits may be required to apply for various benefits including Unemployment Insurance Benefits ("UIB"). See N.J.A.C. 10:90-1.12. An applicant who refuses or neglects to apply for these benefits within 30 days of written notification, without good cause, shall be ineligible to receive cash assistance. See N.J.A.C. 10:90-1.12.



With respect to SNAP benefits, applicable regulatory authority mandates that no household may participate in SNAP beyond the expiration of the household's certification period, without a new determination of eligibility for a new certification period. See N.J.A.C. 10:87-9.1(a).

The record in this matter shows that Petitioner applied for WFNJ/TANF and SNAP benefits on June 8, 2020. See Initial Decision at 2; see also Exhibit R-3. On June 12, 2020, the Agency advised Petitioner that she was approved for expedited SNAP benefits through June 30, 2020. See Initial Decision at 2; see also Exhibit R-1. Also on June 12, the Agency advised Petitioner that she was to provide certain documentation to determine continued eligibility for SNAP benefits beyond June 30, 2020. See Initial Decision at 2; see also Exhibit R-4. With regards to WFNJ/TANF eligibility, the Agency sent Petitioner a request for required documentation on June 29, 2020, and further advising that Petitioner must apply for UIB. See Initial Decision at 3; see also Exhibit R-5. Petitioner was to provide the requested documentation by July 10, 2020. *Ibid.* Petitioner did not provide the requested documentation, and on July 13, 2020, the Agency denied Petitioner's application for WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibit R-2.

An independent review of the record shows that while Petitioner provided some documentation, Petitioner did not provide the Agency proof of income within the time frame provided. See Initial Decision at 5-6, 7. Moreover, it is clear that Petitioner did not apply for UIB as required, and did not communicate any perceived obstacle to the Agency for her failure to do so, or for any difficulty in obtaining any other requested documentation. See Initial Decision at 7. Indeed, Petitioner herself acknowledged that she did not communicate any such difficulties. *Ibid.* Furthermore, Petitioner indicated that she applied for UIB on August 16, 2020, well beyond the July 10, 2020, deadline. *Id.* at 6. It is unclear from the record what the outcome of that application was, but, if it had been approved, there is the distinct possibility that Petitioner would be ineligible for WFNJ/TANF benefits due to the receipt of UIB income. Based on the foregoing, I disagree with the ALJ's conclusion that the denial of WFNJ/TANF benefits to Petitioner was improper, and rather, I hereby affirm the Agency's denial of WFNJ/TANF benefits, and find that the Agency carried out its regulatory responsibility to make a determination on Petitioner's application for said benefits. See N.J.A.C. 10:90-1.5(a). The Initial Decision is modified to reflect these findings.

With respect to the Agency's denial of SNAP benefits to Petitioner, the ALJ reversed the Agency's denial on procedural grounds. See Initial Decision at 11. While I agree, it still must be stressed that no household may participate in SNAP beyond a certification period without a new eligibility determination. See N.J.A.C. 10:87-9.1(a). As such, I am remanding this matter to the Agency for reevaluation of Petitioner's application for SNAP benefits. Petitioner is to provide the Agency with the requested documentation contained in the June 12, 2020, Request for Verification, within two weeks of the issuance of this Final Decision. See Exhibit R-4. If said documentation is not received by the Agency, the denial of SNAP benefits shall stand, and Petitioner may then reapply for SNAP benefits. The Initial Decision is also modified to reflect these findings.

By way of comment, Petitioner is without prejudice to reapply for WFNJ benefits, but is reminded that she must provide the Agency with all requested documentation necessary to determine eligibility.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is AFFIRMED in part, as to the WFNJ/TANF denial, and REVERSED and REMANDED to the Agency with respect to the SNAP benefits denial, as outlined above.

Officially approved final version.

JAN 28 2021

---

Natasha Johnson  
Assistant Commissioner





## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 09309-20 J.D.

AGENCY DKT. NO. S742254009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJGA benefits, contending that Petitioner had already received 48 units of WFNJ/GA benefits and was not participating in a WFNJ work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 10, 2020, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow the submission of supplemental documentation, and then closed on December 15, 2020.

On December 21, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record indicates that, at the time Petitioner applied for WFNJ/GA benefits, he had already received 48 month of WFNJ/GA benefits. See Initial Decision at 2. Of note, the lifetime limit for receipt of WFNJ/GA benefits is 60 months. See N.J.A.C. 10:90-2.3(a). The record also indicates that shortly after applying for WFNJ/GA benefits, Petitioner had provided the Agency with a valid 12-month MED-1 form, dated November 16, 2020, indicating that he was unable to engage in any form of work activity. *Id.* at 3; see also Exhibit MED-1. Nevertheless, the Agency denied Petitioner WFNJ/GA benefits on the bases that he had already received 48 months of WFNJ/GA benefits, and was not participating in a work activity. See Initial Decision at 2. The ALJ found that Petitioner had not exhausted his 60-month lifetime limit of WFNJ/GA benefits, and as such, he was eligible for continued WFNJ/GA benefits. *Id.* at 3; see also N.J.A.C. 10:90-2.3(a). Further, the ALJ found that Petitioner's MED-1 form provided credible evidence that he was exempt from participating in any work activity. See Initial Decision at 3; see also Exhibit MED-1, and N.J.A.C. 10:90-4.10(a)(2). Moreover, the ALJ found that there were no work activities available at the time Petitioner applied for WFNJ/GA benefits due to the COVID pandemic. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that Petitioner is eligible for WFNJ/GA benefits, and that the Agency's denial of said benefits to Petitioner was improper and must be reversed. *Ibid.* I agree.

No Exceptions to the Initial Decision were received.





As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, the Agency is directed to provide Petitioner with WFNJ/GA benefits retroactive to date that he applied for WFNJ/GA benefits. See N.J.A.C. 10:90-1.2(f)(8).

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

Officially approved final version.

JAN 28 2021

---

Natasha Johnson  
Assistant Commissioner

