



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **00131-23 E.R.**

AGENCY DKT. NO. **C280071009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. At redetermination, the Agency terminated Petitioner's WFNJ/TANF benefits, contending that his receipt of monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits exceeded the maximum benefit level allowed for continued WFNJ/TANF eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 7, 2023, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 30, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on April 12, 2023.

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 AFFIRM the Agency's determination, based on the discussion below.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's 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 WFNJ/TANF is found to exist, financial eligibility continues to exist so long as the assistance unit's ("AU") total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, 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 three, such as Petitioner's, the maximum allowable benefit level is \$559. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

Here, at redetermination for continued WFNJ/TANF benefits, the Agency discovered that Petitioner began receiving RSDI in the monthly net amount of \$1,356.90 in September 2022, which increased on January 1, 2023, to a monthly net amount of \$1,489.90. See Initial Decision at 2 fn1; see also R-1 at



5-13. As Petitioner's monthly RSDI income exceeded the maximum allowable benefit level of \$559 for continued WFNJ/TANF benefits eligibility for an AU of three, such as Petitioner's, the Agency terminated Petitioner's WFNJ/TANF benefits, effective December 1, 2022. See Initial Decision at 2, 4; see also N.J.A.C. 10:90-3.1(a), (c), -3.3(b) and DFD IT 19-21. Based on the testimony and evidence provided, the ALJ found that Petitioner was ineligible for continued WFNJ/TANF benefits. See Initial Decision at 4-5. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand. Id. at 4. I agree. However, the Initial Decision is modified to reflect the correct regulatory maximum benefit amount allowable to be used for continued WFNJ/TANF eligibility in this matter as \$559, not \$839 as stated in the Initial Decision, which is the maximum income amount allowable at the time of initial application. Ibid.; see also Exhibit R-1 at 16, and DFD IT 19-21.

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, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. May 09, 2023

Natasha Johnson
Assistant Commissioner

