



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 **01462-23 L.Z.**

AGENCY DKT. NO. **C012086010 (HUNTERDON 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. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that his daughter's receipt of monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits exceeded the maximum allowed for continued WFNJ/TANF eligibility, and terminated Petitioner's EA benefits, because he was not a WFNJ, or Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 14, 2023, the Honorable Sara G. Crowley, 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.

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.

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 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).

Here, the record reflects that Petitioner's AU had been receiving WFNJ/TANF benefits, and that commencing in December 2022, Petitioner's daughter began receiving \$831 per month in RSDI benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 8, 5. As the daughter's monthly RSDI income exceeded the maximum allowable benefit level of \$425 for continued WFNJ/TANF benefits eligibility for an AU of two, by notice dated January 20, 2023, the Agency terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 1; 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 2-4; see also Exhibit R-1 at 5, 8. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 4; see also Exhibit R-1, at 1. I agree. However, the Initial Decision is modified to reflect the correct regulatory authorities in this matter. See Initial Decision at 2-3; see also N.J.A.C. 10:90-3.1(a), (c), -3.3(b).

Additionally, the transmittal in this matter indicates that Petitioner had also appealed a termination of EA benefits, which was not addressed in the Initial Decision. Nevertheless, pursuant to applicable regulatory authority set forth at N.J.A.C. 10:90-6.2(a), I find that because Petitioner is no longer a WFNJ benefits recipient, and is not an SSI benefits recipient, that he is ineligible for EA benefits. See Initial Decision at 4. Based on the foregoing, I conclude that the Agency's termination of Petitioner's EA benefits was also proper and must stand. See Exhibit R-1 at 10. The Initial Decision is also modified to reflect this finding.

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 determination is AFFIRMED, as outlined above.

Officially approved final version. May 03, 2023

Natasha Johnson
Assistant Commissioner

