



## 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 **02019-23 S.E.**

AGENCY DKT. NO. **C723827002 (BERGEN 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. The Agency terminated Petitioner's WFNJ/GA benefits, contending that her receipt of Retirement, Survivors and Disability Insurance ("RSDI") put her over the maximum benefit payment level for WFNJ/GA benefits eligibility, and that she was no longer a Bergen County resident. The Agency denied EA benefits to Petitioner contending that she had exhausted her lifetime limit of EA benefits, and that she has affordable subsidized housing in another county. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 13, 2023, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. Also on March 13, 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.

In order to be eligible for WFNJ/GA benefits, the total countable income of the unemployable single adult, or couple without dependent children, must be equal to or less than the maximum benefit payment level for the size of the assistance unit as set out in Schedule V at N.J.A.C. 10:90-3.6(a). See N.J.A.C. 10:90-3.1(b)(1). Effective July 1, 2019, the 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 Informational Transmittal ("IT") No. 19-21.

In order to be eligible for EA benefits, 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 to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

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

Based on an independent review of the record, I make the following findings regarding the Agency’s termination of Petitioner’s WFNJ/GA benefits, and denial of EA benefits. Here, although a transmitted issue, the ALJ did not fully address the Agency’s termination of WFNJ/GA benefits. See Initial Decision at 3; see also “WFNJ/GA Termination Notice” dated March 8, 2023. Based on the record provided, I find that Petitioner began receiving monthly RSDI benefits in the amount of \$1,163, in March 2023, and therefore, she is over the maximum benefit level allowable for WFNJ/GA benefits eligibility. See Initial Decision at 2; see also “State of New Jersey/SOLQ Response Screen,” and N.J.A.C. 10:90-3.1(b) (1), -3.6(a) and DFD IT 19-21. Accordingly, I concur with the ALJ’s finding that Petitioner is ineligible for WFNJ/GA benefits, and as such, conclude that the Agency’s termination of Petitioner’s WFNJ/GA benefits was proper and must stand. See Initial Decision at 3; see also “WFNJ/GA Termination Notice” dated March 8, 2023. The Initial Decision is modified to reflect these findings.

Further, I find that because Petitioner is no longer a WFNJ benefits recipient, and because she is now an RSDI benefits recipient, that she is ineligible for EA benefits. See Initial Decision at 3; see also “State of New Jersey/SOLQ Response Screen,” and N.J.A.C. 10:90-6.2(a). Additionally, I concur with the ALJ’s findings that Petitioner is not homeless or imminently homeless because she currently has affordable subsidized housing in Middlesex County, and on that basis, she is also ineligible for EA benefits. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.1(c). Based on the foregoing, I concur with the ALJ’s ultimate conclusion that the Agency’s denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 2-3; see also “EA Denial Notice” dated March 8, 2023. The Initial Decision is also modified to reflect these findings.

Finally, I find, and the record substantiates, that Petitioner has received 40 months of EA benefits, and therefore, she has exhausted her lifetime limit of EA benefits. See “GAAS Payment History,” see also N.J.A.C. 10:90-6.4(a), (b). Also, I find that because Petitioner is an RSDI benefits recipient, she is ineligible for an extension of EA benefits in accordance with State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 (“S866”), also known as Emergency Assistance for Specific Groups (“EASG”), which extends EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form, and Supplemental Security Income (“SSI”) benefits recipients, but not RSDI benefit recipients. Based on the foregoing, I further conclude that the Agency’s denial of EA benefits to Petitioner was proper and must stand. See “EA Denial Notice” dated March 8, 2023. The Initial Decision is also modified to reflect these findings.

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

Officially approved final version. March 17, 2023

---

Natasha Johnson  
Assistant Commissioner

