



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **12948-23 S.W.**

AGENCY DKT. NO. **C242423009 (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"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/TANF benefits due to Petitioner's receipt of unearned income in form of Retirement, Survivor's, Disability Insurance ("RSDI") benefits, with said income putting the WFNJ/TANF assistance unit ("AU") over the maximum benefit eligibility level for receipt of WFNJ/TANF benefits. The Agency terminated Petitioner's EA benefits, because Petitioner was no longer a WFNJ, nor was she an Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for November 22, 2023, however, the Agency had not received notice of the hearing, and therefore, the case was relisted for November 27, 2023. On that date, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 28, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on November 29, 2023.

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.

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. 10:90-3.2(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 of four, such as Petitioner’s, effective July 1, 2019, the initial maximum allowable income level for is \$966. 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 assistance unit, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of four, such as Petitioner’s, the maximum allowable benefit level is \$644. 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 ALJ found, and the record substantiates, that Petitioner is receiving RSDI benefits in the monthly amount of \$1,031. See Initial Decision at 2, 5. It appears that the last time Petitioner received WFNJ/TANF benefits, in the amount of \$644, was December 1, 2022. See Exhibit R-4. As Petitioner’s unearned income from RSDI benefits exceeds the maximum allowable initial income threshold for an AU of four persons of \$966, or the applicable benefit level of \$644, as outlined above, Petitioner is clearly ineligible for WFNJ/TANF benefits, and the ALJ in this matter so found. See Initial Decision at 3, 5; see also N.J.A.C. 10:90-3.2(a), -3.3(b) and DFD IT 19-21. I agree.

With respect to the termination of EA benefits, the ALJ found that the record substantiates that Petitioner is not an SSI benefits recipient. See Initial Decision at 2-5. I note that if an individual has a work history, and is determined eligible for RSDI in an amount which exceeds the maximum SSI benefit level, no SSI eligibility will be found for that individual, as is the case here. If an individual has a work history, and qualifies for an RSDI amount below the SSI maximum benefits amount, that individual may receive a combined amount of SSI and RSDI, but only up to the maximum SSI benefit level amount. However, as stated above, that is not the case here, as demonstrated by the amount of RSDI benefits Petitioner receives, which exceeds the maximum SSI benefits level. See Exhibit R-5; see also Initial Decision at 4. The record further reflects that Petitioner’s current monthly disability benefits are funded solely from Title II, which is what funds RSDI, whereas SSI, is funded by Title XVI. See Exhibit R-2 at 8. Moreover, as noted by the ALJ, the record also reflects that Petitioner receives “0.00” from Title XVI SSI funds. *Id.* at 9; see also Initial Decision at 4. Applicable regulatory authority mandates that, in order to be eligible for EA benefits, an individual must be a WFNJ, or an SSI, benefits recipient. See N.J.A.C. 10:90-6.2(a). As it is clear from the record that Petitioner is not a WFNJ benefits recipient, nor an SSI benefits recipient, Petitioner is ineligible for EA benefits. *Ibid.*; see also Exhibits P-1, P-2, R-2, R-4, and N.J.A.C. 10:90-6.2(a). Accordingly, the ALJ concluded that the Agency’s determination was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1 at 5. I also agree.

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, 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 ADOPTED, and the Agency’s determination is AFFIRMED.



Officially approved final version. December 07, 2023

Natasha Johnson
Assistant Commissioner

