



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 **04587-23 S.Z.**

AGENCY DKT. NO. **C273081009 (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. At redetermination, the Agency terminated Petitioner's WFNJ/TANF benefits, contending that her children's receipt of monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits exceeded the maximum benefit level allowed for continued WFNJ/TANF eligibility. The Agency terminated Petitioner's EA benefits because she was not a WFNJ, nor a Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 10, 2023, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 18, 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

In accordance with N.J.A.C. 10:90-3.1(a), when determining WFNJ eligibility, all countable income (both earned and unearned) and resources of all persons in an assistance unit of which the applicant or recipient is a member, are considered. (emphasis added).

In accordance with N.J.A.C. 10:90-3.9(b), (e), unearned income in the form of Retirement, Survivors and Disability Insurance ("RSDI") is countable towards WFNJ eligibility.

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 AU 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 Informational Transmittal ("IT") 19-21.

Here, the record reflects that the WFNJ/TANF benefits AU consists of Petitioner's four children alone, as Petitioner herself is an ineligible alien. See Initial Decision at 2; see also N.J.A.C. 10:90-2.10. At redetermination for continued WFNJ/TANF benefits, the Agency discovered that Petitioner's four children had begun receiving monthly RSDI benefits in the combined total monthly amount of \$676 in November 2021, which increased in June 2023, to a combined total monthly amount of \$732. See Initial Decision at 2-3; see also R-1 at 19-22, 28-46. As the AU's total monthly income from RSDI benefits exceeded the maximum allowable benefit level of \$644 for continued WFNJ/TANF benefits eligibility for an AU of four, such as Petitioner's, the Agency terminated Petitioner's WFNJ/TANF benefits, effective January 1, 2023. See Initial Decision at 3; see also Exhibit R-1 at 1-2, and N.J.A.C. 10:90-3.1(a), (c), -3.3(b), -3.9(b), (e), and DFD IT 19-21. Petitioner did not dispute the AU's receipt of said monthly RSDI benefits, nor the amount. See Initial Decision at 3. Based on the foregoing, the ALJ concluded 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. *Ibid.*; see also Exhibit R-1 at 1-2. I agree. Additionally, the ALJ concluded that because Petitioner was no longer a WFNJ, or SSI benefits recipient, that she was ineligible for continued EA benefits, and as such, further concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1 at 3-18, and N.J.A.C. 10:90-6.2(a). 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 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. September 21, 2023

Natasha Johnson
Assistant Commissioner

