



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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 13833-23 T.T.

AGENCY DKT. NO. **C135984020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, the termination of Emergency Assistance ("EA") benefits, and the reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because his household income was over the maximum benefits level for WFNJ/TANF eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 15, 2023, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 19, 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.

Pursuant to N.J.A.C. 10:90-6.2(a), only WFNJ recipients, including those determined eligible for WFNJ benefits based on immediate need, and Supplemental Security Income ("SSI") recipients, are eligible for EA benefits.

Once initial financial eligibility for a WFNJ/TANF benefits recipient has been established, financial eligibility continues to exist so long as the assistance unit's total countable income (with the benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income) 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). See N.J.A.C. 10:90-3.1(c). For an assistance unit of three, the maximum allowable benefit level is \$559. See N.J.A.C. 10:90-3.3(b), and DFD Instruction ("DFDI") No. 19-21.

Here, the record reflects that Petitioner's household consists of an assistance unit ("AU") of three persons. See Initial Decision at 3; see also N.J.A.C. 10:90-3.3(b). The record also reflects that Petitioner's AU was receiving WFNJ/TANF benefits until such time as the Agency discovered that Petitioner had begun receiving Unemployment Insurance Benefits ("UIB") in the amount of \$2,093 per month on August 12, 2023. See Initial Decision at 2; see also Exhibit R-2 at B-10, B-13 through B-25. As a result, the Agency terminated Petitioner's WFNJ/TANF benefits because his monthly unearned income from UIB brought the household income over the maximum benefit level of \$559 per month allowable for WFNJ/TANF benefits for an AU of three, such as Petitioner's. See Initial Decision at 2-3; see also Exhibit R-2 at B-4 through B-8, and N.J.A.C. 10:90-3.1(c). Based on the testimony and documentary evidence submitted, the ALJ concluded that Petitioner was ineligible for WFNJ/TANF benefits, regardless of any oversight by the Agency to disregard child support payments made by Petitioner, and accordingly, concluded that the Agency's termination of Petitioner's WFNJ/TANF



benefits was proper and must stand. See Initial Decision at 2-4; see also R-2 at B-4 through B-8. I agree with the ALJ's ultimate conclusion, however, to clarify, N.J.A.C. 10:90-3.8(g)(1) only applies to the "initial determination of [WFNJ/TANF] eligibility and calculation of the assistance payment," and does not, such as in this matter, apply in determining eligibility for continued WFNJ/TANF benefits once initial financial eligibility has been established. The Initial Decision is modified to reflect this finding.

Additionally, because I concur with the ALJ's conclusion that Petitioner is ineligible for WFNJ/TANF benefits, and as it appears from the record that Petitioner is not an SSI benefits recipient, I find that Petitioner is also ineligible for EA benefits, and as such, affirm the Agency's termination of Petitioner's EA benefits on that basis. See Initial Decision at 4; see also N.J.A.C. 10:90-6.2(a). The Initial Decision is also modified to reflect this finding.

By way of comment, the transmittal in this matter indicates an additional contested issue regarding a reduction of SNAP benefits, which was not addressed by the ALJ in the Initial Decision. As such, if Petitioner still has an issue with regards to a reduction of SNAP benefits, he may request another hearing on that issue alone. However, Petitioner is advised that, when a household's income increases, whether from earned or unearned income, with all other deductions and expenses in the SNAP benefits allotment calculation remaining constant, the SNAP benefits allotment will be reduced.

By way of further 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.

Officially approved final version. December 21, 2023

Natasha Johnson
Assistant Commissioner

