



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 **11440-24 B.B.**

AGENCY DKT. NO. **C180960003 (BURLINGTON 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") benefits, and the termination Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because his total monthly income was over the maximum allowable benefit level for continued receipt of said benefits, and terminated his EA benefits because he was no longer a WFNJ, nor a Supplemental Security Income ("SSI"), benefits recipient. Petitioner also appeals from the reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits allotment due to a change in household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On September 11, 2024, the Honorable Deirdre Hartman-Zohlman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 12, 2024, the ALJ issued an Initial Decision, affirming the Agency's terminations of WFNJ/TANF and EA benefits.

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 determinations, based on the discussion below.

Financial eligibility for 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 three, effective July 1, 2019, the initial maximum allowable income level is \$839. 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 assistance unit'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 three, the maximum allowable benefit level is \$559. See N.J.A.C. 10:90-3.3(b); see also DFD IT 19-21.



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).

Here, an independent review of the record reflects that Petitioner was receiving WFNJ/TANF and EA benefits, when, upon submission of Petitioner's paystubs from March 2024, it was determined that Petitioner's monthly gross income was \$ 2,038.11, in excess of the benefit level of \$559. See Initial Decision at 2; see also N.J.A.C. 10:90-3.3(b). As such, by notice dated May 10, 2024, Petitioner was advised that his WFNJ/TANF benefits would terminate effective June 1, 2024. See Exhibit R-D. As Petitioner was no longer a WFNJ benefits recipient, nor an SSI benefits recipient, the Agency consequently terminated Petitioner's EA benefits effective August 1, 2024. See Exhibit R-B.

Based upon the testimonial and documentary evidence presented, the ALJ found that based upon Petitioner's calculated earned income, the Agency had properly terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 4. I agree, however, the Initial Decision is modified to reflect the correct benefit level amount of \$559, rather than \$636, as stated by the ALJ. Id. at 2. Additionally, the ALJ concluded that, because Petitioner was no longer a WFNJ benefits recipient, and was not an SSI benefits recipient, he no longer was eligible for EA benefits. Id. at 4. I also agree.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/TANF and EA benefits should his circumstances warrant.

By way of further comment, while the ALJ did not specifically address the reduction of Petitioner's SNAP benefits allotment due to a change in household income, it should be noted that, when a SNAP household's income increases, with all other factors in the eligibility calculations remaining constant, the SNAP benefits allotment will decrease.

Also 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 MODIFIED, and the Agency's determinations, terminating Petitioner's WFNJ/TANF and EA benefits, are AFFIRMED, as outlined above.

Officially approved final version. September 25, 2024

Natasha Johnson
Assistant Commissioner

