



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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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 **01647-24 S.L.**

AGENCY DKT. NO. **C157450003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that his household income exceeded the WFNJ/GA benefits initial financial eligibility limits, and denied Petitioner EA benefits because he was neither a WFNJ cash benefits recipient, 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 February 9, 2024, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 12, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, as substantiated by the Agency's credible testimony and the information provided to the Agency by Petitioner, that, at the time Petitioner applied for WFNJ/GA benefits, and at the time of the Agency's denial of said benefits to Petitioner, his household consisted of himself and his girlfriend ("R.G."). See Initial Decision at 2-3, 5; see also Exhibits R-1, R-2, R-3, R-4, R-7. Although Petitioner claimed that R.G. had moved out of his household prior to January 31, 2024, the ALJ found that Petitioner's testimony was not credible. See Initial Decision at 4, 6. The ALJ also found that, during the time period at issue, R.G. was collecting \$2,587 per month in Unemployment Insurance Benefits ("UIB"), which is countable income for purposes of initial WFNJ/GA benefits eligibility. See Initial Decision at 3-5; see also Exhibit R-1 at 47-48, and N.J.A.C. 10:90-3.1(a)(b), -3.9(b). In accordance with applicable regulatory authority, the ALJ found that Petitioner's monthly household income of \$2,587 exceeded the WFNJ/GA benefits initial maximum allowable income eligibility level of \$381 for a two-person household such as Petitioner's. See Initial Decision at 5, 9; see also Exhibit R-1 at 48, and N.J.A.C. 10:90-3.4(a), -3.5(a), and Division of Family Development Informational Transmittal ("DFD IT") No. 19-21. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 9-10; see also Exhibits R-4, R-7 at 48-49. I agree.

The ALJ further found that, because Petitioner is not a WFNJ or SSI benefits recipient, he is ineligible for EA benefits, and as such, concluded that Agency's denial of EA benefits to Petitioner was also proper and must be affirmed. See Initial Decision at 9-10; see also N.J.A.C. 10:90-6.2(a) and Exhibit R-5. I also agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.



By way of comment, pursuant to N.J.A.C. 10:90-1.3(a), immediate need is only provided to the applicant until a final eligibility determination is made by the Agency. See Initial Decision at 7-8. Moreover, immediate need assistance is not EA, and the denial/termination of immediate need assistance is not appealable. Ibid.

By way of further comment, Petitioner is advised that if his circumstances have changed, he may reapply for WFNJ/GA and EA benefits. See Initial Decision at 4.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. February 26, 2024

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Natasha Johnson  
Assistant Commissioner

