



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 17546-15 C.F.

AGENCY DKT. NO. S450746 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from the Respondent Agency's termination of her Work First New Jersey/General Assistance ("WFNJ/GA") benefits, as well as her Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency terminated Petitioner's WFNJ/GA because her household income exceeds eligibility guidelines, and terminated her EA/TRA because she is no longer a WFNJ recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 17, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 23, 2015, the ALJ issued her Initial Decision affirming the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and, following an independent review of the record, I ADOPT the Initial Decision and AFFIRM the Agency's determination.

Petitioner is a 51-year old single woman who has shared an apartment with a male roommate, N.G., for 16 years. See Initial Decision at 2. N.G., who is now 70 years old, is responsible for one-half of the \$1,312.00 per month rent, which is paid from his Social Security income. See Initial Decision at 2; see also Exhibit R-1 at 1. The

Agency has been assisting Petitioner with her portion of the rent for over two and one-half years, and she has received 29-1/2 units of EA to date. See Initial Decision at 2; see also Exhibit R-1 at 7. Petitioner is currently disabled, has provided the Agency with a long-term Med-1 Form, and has a pending Supplemental Security Income ("SSI") claim. See Exhibit R-1 at 1.

In August 2015, the Agency became aware that Petitioner was receiving regular monthly deposits of funds from N.G., as well as from a neighbor, A.W., into her solely-owned checking account. See Initial Decision at 2; see also Exhibit R-1 at 4 and 5. This was discovered because, at the Agency's request, Petitioner provided three months of bank statements, with which was submitted a letter from N.G., explaining that the income being directly deposited into Petitioner's checking account were transfers from his bank account, as well as from A.W.'s bank account, so that Petitioner could pay bills and rent for himself and for A.W., who "is not competent enough to properly take care of his money." See Initial Decision at 2; see also Exhibit R-1 at 4 and 5.

At the hearing, Petitioner testified that, because N.G. and A.W. "are both more limited in their understanding of finances" than she is, Petitioner helps them with the payment of their rent and bills. See Initial Decision at 2-3. Petitioner further testified that she conducts the banking of N.G. and A.W. by way of telephone transfers "using their account numbers and other identifying personal information that they provided to her." See Initial Decision at 3. The monthly rent of N.G. and A.W. is also paid by a telephone call made by Petitioner through an automated banking system. *Ibid.* Therefore, the funds of N.G. and A.W. are commingled with Petitioner's own funds in a checking account in the sole name of Petitioner. *Ibid.*; see also Exhibit R-1 at 5.

The ALJ explained to Petitioner that her actions in assuming control of the funds of N.G. and A.W. rendered Petitioner a "fiduciary," and that the two men's banks "clearly had no document on record indicating [Petitioner's] legal authority to act as their Power of Attorney." See Initial Decision at 3. Moreover, because Petitioner has sole ownership of the checking account, those funds must be considered as unearned income for the purposes of determining Petitioner's WFNJ/GA eligibility. *Ibid.*; see also N.J.A.C. 10:90-3.9(e).

Based on the foregoing, the ALJ concluded that Petitioner has disqualified herself from receiving any further WFNJ/GA and EA/TRA because, by virtue of her control over the incomes of N.G. and A.W., her financial resources exceed the eligibility requirements set forth in the WFNJ regulations. See Initial Decision at 4; see also N.J.A.C. 10:90-3.9. On that basis, the ALJ concluded, and I concur, that the Agency

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properly terminated Petitioner's WFNJ/GA and EA/TRA benefits. See Initial Decision at 4. Therefore, the ALJ ordered, and I agree, that the Agency's actions in this matter were appropriate and must stand.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's actions are hereby AFFIRMED.

Signed Copy on File
at DFD, BARA

JAN 20 2016

Natasha Johnson
Director