



State of New Jersey

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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 17050-17 J.A.

AGENCY DKT. NO. S608464012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because he was no longer a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, nor was he a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 12, 2017, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was reopened to allow Petitioner to provide additional documentation. Upon receipt of the documents on December 29, 2017, the record was closed. On January 11, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

In order to be eligible for EA benefits, the recipient must demonstrate that his/her shelter costs equal or exceed the total income available to his assistance unit. N.J.A.C. 10:90-6.1(a)(1). Further, as part of the determination of EA eligibility, the agency must evaluate all potential contributions of support to the household. N.J.A.C. 10:90-6.1(c)(2).

Only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Although the record reflects that Petitioner withdrew his appeal concerning the termination of his WFNJ/TANF benefits, the ALJ considered that issue, and concluded that Petitioner's assistance unit's ("AU") WFNJ/TANF benefits should not have been terminated due to a sanction, but rather, should have been reduced. See Initial Decision at 2 n. 1, 6-11; see also N.J.A.C. 10:90-4.13(c), (1), (2), (3). As such, the ALJ also concluded that Petitioner's EA benefits should not have been terminated, and reversed the Agency's determination. See Initial Decision at 11; see also Exhibit R-9, and N.J.A.C. 10:90-4.13(e). However, as the termination, and/or sanctioning, of Petitioner's WFNJ/TANF benefits was not at issue here, due to Petitioner's withdrawal of that issue, and for the reasons discussed below, I disagree with the ALJ's conclusion that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 10-11; see also Exhibit R-9.

Based on an independent review of the record, I find, and the record reflects, that the Agency terminated Petitioner's WFNJ/TANF benefits because he failed to provide documentation of his earned income to the Agency, which was required to determine his eligibility for said benefits. See Exhibit R-8; see also N.J.A.C. 10:90-2.2(a)(5), -3.1(c), -3.8.



Moreover, as stated above, Petitioner withdrew his appeal regarding that termination. See Initial Decision at 2 n. 1. As a result, Petitioner's EA benefits were terminated because he was no longer a WFNJ/TANF benefits recipient, nor an SSI benefits recipient. See Initial Decision at 1-2; see also Exhibit R-9; and N.J.A.C. 10:90-6.2(a). Further, the ALJ found that Petitioner is employed, and agreed that he had failed to provide the Agency with proof of employment and copies of his paystubs in violation of N.J.A.C. 10:90-2.2(a)(5). See Initial Decision at 6-7, 9-10. Petitioner contends that his employer would not provide him with the required documentation; however, the Agency had advised him that it would assist him in obtaining the needed documents. See Initial Decision at 6, 10; see also Exhibit R-E at 3. Based on the foregoing, I find that Petitioner is ineligible for EA benefits at this time because he is not currently a WFNJ/TANF or SSI benefits recipient. See N.J.A.C. 10:90-6.2(a). Additionally, I find that Petitioner's eligibility for EA benefits is also contingent upon his financial eligibility for said benefits. See N.J.A.C. 10:90-6.1(c)(2). Therefore, I find that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Exhibit R-9.

By way of comment, Petitioner is advised that he may reapply for WFNJ/TANF and EA benefits, and that he must provide the Agency with his employment documentation in order for it to determine his eligibility for such benefits. Further, the Agency is advised that it should assist Petitioner with obtaining the information needed, provided Petitioner requires such assistance.

By way of further comment, the transmittal in this matter indicates that Petitioner also appealed a termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. However, at the time of the hearing, Petitioner withdrew the appeal of that issue, and testified that he did not intend to appeal the Agency's determination concerning his SNAP benefits. See Initial Decision at 2 n 1. Therefore, I find that issue is now moot, and as such, is not addressed in this Final Decision.

Accordingly, the Initial Decision is hereby REJECTED, and the Agency's action is AFFIRMED.

Officially approved final version.

MAR 20 2018

Natasha Johnson
Director

