



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Director

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 06549-18 K.J.

AGENCY DKT. NO. S591788012 (MIDDLESEX 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"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/TANF benefits contending that Petitioner's income put her over the maximum benefit level allowable for WFNJ/TANF eligibility, and terminated Petitioner's EA benefits because she was no longer a WFNJ/TANF benefits recipient, nor was she a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 4, 2018, but was adjourned with consent of both parties. The case was rescheduled for June 15, 2018, but again adjourned because Petitioner failed to appear, having showed up at the wrong hearing location. The matter was then rescheduled for June 22, 2018. Finally, on that rescheduled hearing date, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 6, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner's work hours and earned income fluctuate. See Initial Decision at 3-4; see also Exhibits P-1, R-5. However, the ALJ found that the Agency took into consideration such fluctuations, and applied the appropriate income disregards, when it terminated Petitioner's WFNJ/TANF benefits based upon its determination that her earned income was over the maximum benefit level allowable for receipt of WFNJ/TANF benefits. See Initial Decision at 5-7; see also Exhibits R-3, R-4, R-7, and N.J.A.C. 10:90-3.1(c), -3.3(b), -3.8, -3.11. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 7; see also Exhibit R-1. Further, the ALJ affirmed the Agency's termination of Petitioner's EA benefits, finding that Petitioner is ineligible for EA benefits because she is no longer a WFNJ/TANF benefits recipient, nor an SSI benefits recipient. See Initial Decision at 7-8; see also Exhibit R-15, and N.J.A.C. 10:90-6.2(a). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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, 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 ADOPTED, and the Agency's determination is AFFIRMED.



Officially approved final version.

Natasha Johnson
Director

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