



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

TRENTON, NJ 08625-0716

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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 14299-17 N.A.

AGENCY DKT. NO. S528694012 (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 her total monthly income exceeds the allowable eligibility benefit level for receipt of those benefits, and terminated Petitioner's EA benefits because she is not a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 17, 2017, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 8, 2017, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner's assistance unit ("AU") consists of herself and three children. See Initial Decision at 2. The WFNJ/TANF monthly benefit level for an AU of four is \$488. *Ibid.*; see also N.J.A.C. 10:90-3.3(b). The ALJ found that Petitioner was employed on August 1, 2016, at which time she received a 100 percent income disregard for the month of August 2016, and a 75 percent income disregard for the months of September 1, 2016, through February 28, 2017. See Initial Decision at 2; see also N.J.A.C. 10:90-3.8(b). Thereafter, a 50 percent income disregard was applied, and Petitioner's WFNJ/TANF benefits were terminated because her income exceeded the allowable eligibility benefit level. See Initial Decision at 2; see also Exhibits R-9, R-10, R-13, and N.J.A.C. 10:90-3.3(b), -3.8(b). Petitioner lost her job in May 2017, began receiving WFNJ/TANF benefits in June 2017, and on August 18, 2017, she became reemployed, with a monthly income of \$1,083. See Initial Decision at 2; see also Exhibits R-10, R-12, R-15. Applying the 50 percent disregard from the time of Petitioner's prior employment, the Agency determined that Petitioner's current employment income exceeded the allowable eligibility benefit level of \$488 for receipt of WFNJ/TANF benefits, and the record reflects that the Agency terminated said benefits, effective October 1, 2017, by notice dated August 24, 2017. See Initial Decision at 2-3; see also Exhibits R-6, R-13, and N.J.A.C. 10:90-3.3(b), -3.8(b). Also, because Petitioner was no longer a WFNJ/TANF benefits recipient, or an SSI benefits recipient, the Agency terminated Petitioner's EA benefits. See Initial Decision at 3; see also Exhibit R-7, and N.J.A.C. 10:90-6.2(a).

However, in accordance with N.J.A.C. 10:90-3.8(c), the ALJ found that a year had passed since the commencement of Petitioner's prior employment, and as such, she was again eligible for a 100 percent income disregard of her \$1,083 earned income for the month of August 2017, the start of her current employment, and a 75 percent disregard for six months thereafter, thereby making her eligible for WFNJ/TANF benefits until such time as she is at the 50 percent disregard level. See Initial Decision at 4-5; see also Exhibit R-15. Further, because Petitioner was found eligible for WFNJ/TANF benefits, the ALJ also found Petitioner eligible for EA benefits. See Initial Decision at 5; see also N.J.A.C.



10:9-6.2(a). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was improper and must be reversed. See Initial Decision at 5; see also Exhibits R-6, R-7. I agree.

Exceptions to the Initial Decision were filed by the Agency on December 15, 2017.

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, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

JAN 26 2018

Natasha Johnson

Director

