



State of New Jersey

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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

REMAND DECISION

OAL DKT. NO. HPW 09975-18 P.W.

AGENCY DKT. NO. C269644007 (ESSEX COUNTY DIVISION OF WELFARE)

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 due to earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 30, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 22, 2018, the ALJ issued an Initial Decision, affirming 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, REVERSE the Agency's determinations, and REMAND the matter to the Agency, based on the discussion below.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF benefits is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/TANF assistance unit, with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, is less than the maximum benefit payment level for the appropriate eligible assistance unit size in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). The benefit level for a WFNJ/TANF assistance unit ("AU") of three is \$424 per month. See N.J.A.C. 10:90-3.3(b).

Pursuant to N.J.A.C. 10:90-6.1(a)(1), EA benefits shall be made available "[w]hen shelter costs equal or exceed total recorded income to the WFNJ or SSI assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses[.]"

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



Here, it appears from the record that Petitioner's AU consists of herself, and her two minor children. See Initial Decision at 2. It also appears from the record that Petitioner began receiving WFNJ/TANF benefits in March 2018, and thereafter, in May 2018, Petitioner began working, receiving a fluctuating monthly income of between \$955 and \$1,213. See Initial Decision at 2-3; see also Exhibit R-1 at 1, 6-11, 15. The Agency terminated Petitioner's WFNJ/TANF benefits effective July 31, 2018, determining that her income exceeded the maximum allowable benefit level of \$488 for receipt of WFNJ/TANF benefits, and the ALJ concurred. See Initial Decision at 2-3; see also Exhibit R-1 at 1. However, I respectfully disagree. First, the benefit level for a WFNJ/TANF assistance unit of three, such as Petitioner's is \$424 per month, rather than \$488; and second, it does not appear from the record that the Agency applied the applicable income disregards to Petitioner's earned income in accordance with N.J.A.C. 10:90-3.3(b), -3.8(a), (b). See Exhibit R-1 at 11. Based on the record presented, I find that Petitioner may indeed be eligible for WFNJ/TANF benefits once the applicable income disregards are applied. See N.J.A.C. 10:90-3.3(b). Accordingly, I am remanding the matter to the Agency to reevaluate Petitioner's WFNJ/TANF benefits eligibility, based on the discussion above.

Further, the ALJ concluded that the Agency properly terminated Petitioner's EA benefits based on her earned income. See Initial Decision at 3; see also Exhibit R-1 at 2. Again, I respectfully disagree. Rather, I find that it is unclear from the record whether or not Petitioner's income exceeds her housing costs, and as such, I find that if she is determined eligible for WFNJ/TANF benefits, that she may also be eligible for EA benefits. See N.J.A.C. 10:90-6.2(a). Therefore, I am also remanding this issue to the Agency to reevaluate Petitioner's eligibility for EA benefits as well. See N.J.A.C. 10:90-6.1, et seq.

Accordingly, the Initial Decision is hereby REJECTED, the Agency's actions are REVERSED, and the matter is REMANDED to the Agency, in accordance with the above discussion.

OCT 09 2018

Officially approved final version.

Natasha Johnson
Director

