



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 08694-19 G.C.

AGENCY DKT. NO. S618391012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), Emergency Assistance ("EA"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency terminated Petitioner's WFNJ/GA benefits because his total monthly income put him over the maximum allowable benefit level for WFNJ/GA benefits, terminated Petitioner's EA benefits because he was no longer a WFNJ cash benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient, and terminated Petitioner's SNAP benefits because he was over the income eligibility limit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for July 19, 2019, but was adjourned, as Petitioner was not prepared with the documentation needed to support his assertions. On July 30, 2019, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until August 9, 2019, to allow both parties the opportunity to file supplemental materials. While additional documentation was submitted by Petitioner on August 5, and August 8, 2019, no additional materials were received from Respondent, and the record then closed on August 15, 2019. On August 29, 2019, 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 ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/GA benefits is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA 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 IV at N.J.A.C. 10:90-3.5(b). Effective January 1, 2019, the benefit level for an employable WFNJ/GA assistance unit that consists of one individual was \$154 per month. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") No. 19-12.



The maximum allowable monthly gross income level to receive SNAP benefits for a household of one is \$1,872. See N.J.A.C. 10:87-6.16, -12.4; see also DFDI Instruction ("DFDI") 18-09-01 at 16.

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, Petitioner began receiving monthly Unemployment Insurance Benefits ("UIB") income, commencing June 1, 2019, in the weekly amount of \$352, after garnishment. See Initial Decision at 3; see also Exhibit R-5. Further, the record indicates that in May of 2019, Petitioner's monthly earned income was \$2,550. See Initial Decision at 5; see also Exhibit R-14. The record also reflects that in June 2019, Petitioner was provided with WFNJ/GA benefits in the full amount of \$154, indicating that the Agency had applied the appropriate income disregards prior to its termination of Petitioner's WFNJ/GA benefits by notice dated May 30, 2019. See Exhibits R-5a, R-12; see also N.J.A.C. 10:90-3.8. Therefore, I concur with the ALJ's conclusion that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 6-8; see also Exhibit R-12, and N.J.A.C. 10:90-3.5(b), -3.8(b). Also, the ALJ concluded that, because Petitioner was no longer a WFNJ/GA benefits recipient, nor an SSI benefits recipient, the Agency's termination of his EA benefits was also proper and must stand. See Initial Decision at 6-8; see also Exhibit R-5b, and N.J.A.C. 10:90-6.2(a). I also agree. Further, based on Petitioner's monthly earned income, determined by the Agency to be \$2,550, the ALJ found that the Agency had properly terminated Petitioner's SNAP benefits because Petitioner's household income exceeded the \$1,872 maximum gross income level allowable for his household size. See Initial Decision at 4-5, 8; see also Exhibits R-13, R-14, R-15, and N.J.A.C. 10:87-6.16, -12.4, and DFDI 18-09-01 at 16. I also agree. Of note, the ALJ found that Petitioner had not provided any testimony or evidence to rebut the income amounts utilized by the Agency in its determinations, and also found that Petitioner had been properly notified of the Agency's termination of his WFNJ/GA, EA, and SNAP, benefits. See Initial Decision at 4-6, 8; see also Exhibits R-5b, R-12, and R-13. I again agree.

By way of comment, with Petitioner's receipt of UIB, beginning in June 2019, Petitioner may again be eligible for SNAP benefits. Petitioner is without prejudice to reapply for SNAP benefits, if he has not already done so.

By way of further 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 action is AFFIRMED.

Officially approved final version.

SEP - 4 2019

Natasha Johnson
Director

