



State of New Jersey

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Assistant Commissioner

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 **10714-19 R.M.**

AGENCY DKT. NO. **C067401001** (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

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, contending that Petitioner's employment income put him over the maximum allowable benefit level for receipt of such benefits. The Agency terminated Petitioner's EA benefits because he was 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. A hearing was initially scheduled for August 23, 2019, but was adjourned and rescheduled. On September 27, 2019, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open for ten days to allow Petitioner the opportunity to submit documentation to support his testimony. Petitioner's documents were received on September 30, 2019, and the record then closed. On October 21, 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 **MODIFY** the ALJ's Initial Decision, and **AFFIRM** the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for a WFNJ/GA benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA assistance unit ("AU"), with benefit of the appropriate disregards set forth in N.J.A.C. 10:90-3.8 for earned income, is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). For an employable AU of one, such as Petitioner, as of January 1, 2019, the maximum allowable benefit level was \$154, and as of July 1, 2019, the maximum allowable benefit level is \$185. See DFD Informational Transmittal Nos. 19-12 and 19-21.

Here, the record reflects that Petitioner had been receiving WFNJ/GA benefits at the monthly, employable rate of \$154. See Initial Decision at 2; see also Exhibit R-4. In May 2019, Petitioner became



employed, earning between \$301 and \$379 weekly. See Initial Decision at 3; see also Exhibit R-2 at 12-16. The record also reflects that in July 2019, Petitioner was provided with WFNJ/GA benefits in the full amount of \$154, minus his EA/Temporary Rental Assistance ("TRA") benefits deduction, indicating that the Agency had applied the appropriate income disregards prior to its August 1, 2019, termination of Petitioner's WFNJ/GA benefits. See Initial Decision at 3-4, 8; see also Exhibit R-1 at 1-2, 17; see also N.J.A.C. 10:90-3.8. Based on the foregoing, the ALJ concluded that Petitioner is ineligible for WFNJ/GA benefits because his earned income, after application of the appropriate income disregards, exceeds the allowable benefit level for receipt of said benefits. See Initial Decision at 7-8; see also N.J.A.C. 10:90-3.5(b), -3.8(b). Accordingly, the ALJ also concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 7-8; see also Exhibit R-1 at 1-2. I agree. However, the Initial Decision is modified to reflect the proper maximum allowable benefit level to the facts of Petitioner's WFNJ/GA benefits issue. See Initial Decision at 6-7; see also N.J.A.C. 10:90-3.5(b), and DFD Informational Transmittal Nos. 19-12 and 19-21.

Further, the ALJ concluded that Petitioner was ineligible for EA benefits because he is no longer a WFNJ/GA benefits recipient, and he is not an SSI benefits recipient, and that the Agency's August 1, 2019, termination of Petitioner's EA benefits was, therefore, proper and must stand. See Initial Decision at 3, 8; see also Exhibit R-2 at 6-10, and N.J.A.C. 10:90-6.2(a). I also agree.

By way of comment, the record reflects that the Agency had paid Petitioner's rent for the months of July and August, 2019, in the form of EA/TRA benefits, as well as his rent for the months of September and October, 2019, in the form of continued assistance during the pendency of the outcome of the fair hearing. See Initial Decision at 5; see also Exhibit R-2 at 17. Therefore, if Petitioner paid his landlord the full monthly rent during those months, as he had inferred at the hearing, then he is advised that he should seek redress from his landlord and/or in landlord tenant court. See Initial Decision at 5.

By way of further comment, the transmittal in this matter indicates that Petitioner appealed a termination of SNAP benefits. However, the record reflects that the Agency has rescinded its termination of said benefits. See Initial Decision at 2. Therefore, Petitioner's SNAP issue is now moot, and is therefore not addressed in this Final Agency Decision.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

Natasha Johnson
Assistant Commissioner

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