



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
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 **05925-22 D.P.**

AGENCY DKT. NO. **S634950012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and the imposition of a one-year WFNJ/TANF benefits disqualification period. The Agency denied Petitioner WFNJ/TANF benefits, and imposed a one-year disqualification period, contending that Petitioner transferred funds in order to make himself eligible for WFNJ/TANF benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for August 16, 2022, but Petitioner failed to appear and the hearing was rescheduled to August 30, 2022. Petitioner then requested an adjournment of that rescheduled hearing. On September 27, 2022, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 17, 2022, the ALJ issued an Initial Decision, affirming the Agency's denial of WFNJ/TANF benefits to Petitioner, reversing the imposition of the one-year WFNJ/TANF benefits disqualification period, and remanding the matter back to the Agency to calculate the appropriate disqualification period.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, 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.

In evaluating an individual's eligibility for WFNJ/GA benefits, all countable income and resources, unless exempt, must be considered. N.J.A.C. 10:90-3.1(a), -3.9(a), -3.10(a), -3.19 and -3.20. Resources include bank accounts, cash, and contributions of support that are available to meet the needs of the individual. N.J.A.C. 10:90-3.10(b). Resources that are exempt from the financial eligibility determination are defined at N.J.A.C. 10:90-3.20. Pursuant to N.J.A.C. 10:90-3.20(a)(3), "[u]p to a total of \$2,000 in resources (including savings)" is exempt from the WFNJ financial eligibility determination.

Here, based on the testimony and evidence provided, the ALJ concluded that Petitioner had transferred a total \$12,978 in household resources in order to make his assistance unit eligible for WFNJ/TANF



benefits. See Initial Decision at 2-3, 5-7; see also Exhibits P-2, P-4, R-1 at 12, 53, 54. Although Petitioner claimed that he had used those resources to pay for necessary car repairs, the ALJ found that Petitioner's claim was not credible, and that he had failed to provide any documentation to substantiate his claim. See Initial Decision at 3-7; see also Exhibits P-1 through P-11, R-1 at 40-61. Accordingly, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits was proper and must stand. See Initial Decision at 7; see also Exhibit R-1 at 74-76, and N.J.A.C. 10:90-3.10(e). I agree.

However, the ALJ further concluded that the Agency had failed to provide any substantiating documentation and/or calculations to substantiate its imposition of a one-year WNFJ/TANF benefits disqualification period upon Petitioner, and as such, reversed said disqualification period and remanded the matter back to the Agency to recalculate the appropriate disqualification period. See Initial Decision at 7; see also Exhibit R-1 at 74-76, and N.J.A.C. 10:90-3.10(e)(4)(i). I respectfully disagree with this conclusion. Rather, based on an independent review of the record and the applicable regulatory authority, I find that the Agency's imposition of a one-year WFNJ/TANF benefits disqualification period was proper and must stand. See N.J.A.C.10:90-3.10(e)(4)(i). Specifically, the record indicates that Petitioner had transferred resources in the amount of \$12,978 in order to make his assistance unit eligible for WFNJ/TANF benefits. See Initial Decision at 7. Allowing for an exemption of \$2,000 from said transferred resources, I find that the remainder of transferred resources at issue is \$10,978. See N.J.A.C. 10.90-3.20(a)(3). Therefore, as the transferred resources of \$10,978 are in excess of \$5,000, I find that in accordance with the "Disqualification Period Chart" set forth at N.J.A.C. 10:90-3.10(e)(4) (i), Petitioner is subject to a 12-month WFNJ/TANF benefits disqualification period as imposed by the Agency. The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner is advised that his 12-month WFNJ/TANF benefits disqualification period shall run from April 5, 2022, the date of Petitioner's WFNJ/TANF benefits application, through April 4, 2023. See Exhibit R-1 at 6; see also N.J.A.C. 10:90-3.10(e)(2).

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

Officially approved final version. November 2, 2022

Natasha Johnson
Assistant Commissioner

