



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 **06617-22 J.B.**

AGENCY DKT. NO. **C093519018 (SOMERSET COUNTY BOARD 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, contending that his income put him over the maximum allowable benefit level for continued WFNJ/GA benefits eligibility, terminated his EA benefits because he was no longer a WFNJ, nor a Supplemental Security Income ("SSI"), benefits recipient, and terminated his SNAP benefits for failure to provide required documents. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 30, 2022, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 12, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 AFIRM the Agency's determination, based on the discussion below.

Initial financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). If a WFNJ/ GA assistance unit ("AU") has income that is equal to or less than the maximum allowable income level, then financial eligibility exists. See N.J.A.C. 10:90-3.1(b) and -3.5(b). The maximum allowable initial income level for an employable WFNJ/GA benefits AU that consists of one individual is \$278 per month. See DFD Informational Transmittal ("DFD IT") No. 19-21.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/GA 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 at N.J.A.C. 10:90-3.8(b) 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 assistance unit of one, the maximum allowable benefit level is \$185. See DFD IT No. 19-21.



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

Here, the record indicates that the Agency recalculated and adjusted Petitioner's SNAP benefits, and as such, Petitioner withdrew that portion of his appeal. See Initial Decision at 2. Therefore, that issue is now moot, and not addressed in this Final Agency Decision.

With respect to the termination of WFNJ/GA benefits, the ALJ in this matter found, the record substantiates, and Petitioner acknowledged, that commencing June, 2022, Petitioner had started working and his monthly employment income put him over the maximum benefit payment level allowable for continued WFNJ/GA benefits eligibility for an assistance unit of one, such as Petitioner. See Initial Decision at 2-3; see also R-1 at Exhibits 1, 2, 3, and N.J.A.C. 10:90-3.5(b) and DFD IT No. 19-21. Of note, Petitioner testified that, although he knew he was ineligible for WFNJ/GA benefits, he had appealed the termination of those benefits anyway because he needed his EA benefits to continue while he searched for affordable housing. See Initial Decision at 2. Based on the testimony and evidence presented, the ALJ concluded that Petitioner was ineligible for WFNJ/GA benefits, and that the Agency's termination of his WFNJ/GA benefits was proper and must stand. See Initial Decision at 3. Additionally, based on an independent review of the record, and taking into consideration that Petitioner had received continued assistance pending the outcome of this hearing, I find that Petitioner had received the appropriate 100% income disregard as WFNJ/GA benefits had been provided to him through the month of July 2022. See Initial Decision at 2; see also R-1 at Exhibits 1, 2, 3, and N.J.A.C. 10:90-3.8(b). Finally, while I agree with the ALJ, that Petitioner is ineligible for WFNJ/GA benefits, I find that the correct maximum benefit level allowable for an employable WFNJ/GA benefits case is \$185, not \$210, as stated by the ALJ. See Initial Decision at 3; and N.J.A.C. 10:90-3.5(b), and DFD IT No.: 19-21. The Initial Decision is modified to reflect these findings.

Further, the transmittal in this matter indicates that Petitioner also appealed a termination of EA benefits, which was not addressed in the Initial Decision. However, based on the ALJ's conclusion that Petitioner is ineligible for WFNJ/GA benefits, and as Petitioner is not an SSI benefits recipient, I find that he is, therefore, ineligible for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.2(a). Based on the foregoing, I find that the Agency's termination of Petitioner's EA benefits was also proper and must stand. See R-1 at Exhibit 4. The Initial Decision is also modified to reflect this finding.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version.

October 18, 2022

Natasha Johnson

Assistant Commissioner

