



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 **08668-21 J.K.**

AGENCY DKT. NO. **C079958001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits because his monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits put him over the maximum allowable benefit level for WFNJ/GA benefits, and terminated Petitioner's EA benefits because he was no longer a WFNJ cash benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 23, 2021, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 2, 2021, 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

"A person who appears to be eligible for other benefits such as (but not limited to) unemployment insurance benefits; Social Security; RSDI; SSI; or Veteran's benefits and such person refuses or neglects to apply for such benefits within 30 days of written notification without good cause, the entire assistance unit shall be ineligible to receive cash assistance." N.J.A.C. 10:90-1.12. Additionally, pursuant to N.J.A.C. 10:90-2.2(a)(3), as a condition of eligibility for WFNJ cash benefits, the applicant/recipient must apply for all other assistance for which they may be eligible, and must participate in any appeals process, as appropriate.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's ("AU") countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). 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 AU, with benefit of the appropriate disregards set forth in N.J.A.C. 10:90-3.8 for earned income, if applicable, 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). Effective July 1, 2019, the benefit level for an employable WFNJ/GA AU, consisting of one person, is \$185 per month. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") No. 19-21.

In accordance with N.J.A.C. 10:90-3.9(b), (e), unearned income in form of RSDI benefits is countable towards WFNJ eligibility.



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 reflects that Petitioner began receiving WFNJ/GA benefits, in the monthly employable amount of \$185, in November, 2020, and the AU consists solely of Petitioner. See Initial Decision at 2; see also Exhibits R-1 at 17, R-2 at 6. The record further reflects that Petitioner began to receive RSDI benefits in September, 2021, for a total household income \$937. See Initial Decision at 2-3; see also Exhibit R-2 at 8. As the AU's monthly RSDI income exceeded the maximum allowable monthly benefit level of \$185 for continued WFNJ/GA benefits eligibility for an employable AU of one, by notice dated September 7, 2021, the Agency terminated Petitioner's WFNJ/GA benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 1-4, N.J.A.C. 10:90-3.1(c), -3.5(b), -3.9(e) and DFD IT 19-21. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 5. I agree.

Additionally, by separate notice dated September 7, 2021, the Agency terminated Petitioner's EA benefits because Petitioner was no longer a WFNJ, or SSI, benefits recipient. Id. at 3; see also Exhibit R-2 at 1-4, and N.J.A.C. 10:90-6.2(a). Based on the evidence presented, the ALJ further concluded that as the termination of Petitioner's WFNJ/GA benefits was found to be proper, and because Petitioner was no longer a WFNJ/GA benefits recipient, nor an SSI benefits recipient, the Agency's termination of Petitioner's EA benefits was also proper and must stand. See Initial Decision at 5; see also N.J.A.C. 10:90-6.2(a). I also agree.

By way of comment, Petitioner testified that he would not have applied for RSDI benefits, had he known that his WFNJ/GA and EA would be terminated as a result of his receipt of RSDI benefits. See Initial Decision at 3. It should be noted, however, as referenced above, that in accordance with applicable regulatory authority, WFNJ applicants/recipients must apply for any and all programs for which they may be eligible, or be precluded from WFNJ eligibility. See N.J.A.C. 10:90-1.12, -2.2(a)(3).

By way of further 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 ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

January 11, 2022

Natasha Johnson
Assistant Commissioner

