



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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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 **01431-22 K.A.**

AGENCY DKT. NO. **S609874012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA"), benefits, and the reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because Petitioner failed to report earned income, and said income put the WFNJ/TANF assistance unit ("AU") over the maximum benefit eligibility level for receipt of WFNJ/TANF benefits, and terminated Petitioner's EA benefits, because Petitioner was no longer a WFNJ, nor a Supplemental Security Income ("SSI"), benefits recipient. Petitioner's SNAP benefits were reduced due to the household's increase in earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A plenary hearing was originally scheduled for March 11, 2022, before Judge Judith Lieberman, but due to childcare issues, Petitioner called in late for the hearing. The matter was rescheduled for April 1, 2022, but was then adjourned in order to allow the Agency to review employment verification. On April 7, 2022, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for the submission of additional documents from the Agency, and then closed on April 8, 2022. On April 12, 2022, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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 determination, based on the discussion below.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. See N.J.S.A. 44:10-56. TANF is a component of WFNJ that provides assistance to adults with dependent children. See N.J.A.C. 10:90-1.1(b). In evaluating an individual's eligibility for WFNJ/TANF benefits, all countable income and resources of all persons in the assistance unit of which the



applicant or recipient is a member, unless exempt, must be considered. See N.J.A.C. 10:90-3.1(a), -3.9(a), -3.10(a), -3.19 and -3.20.

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). Pursuant to N.J.A.C. 10:90-3.2(a), in order to determine initial financial eligibility for WFNJ benefits for a new applicant, reapplicant or reopened case, “all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule I at N.J.A.C. 10:90-3.3.” See also N.J.A.C. 10:90-3.1(b). Further, “[i]f the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/TANF initial financial eligibility exists.” See N.J.A.C. 10:90-3.2(a). For an assistance unit of four, such as Petitioner’s, effective July 1, 2019, the initial maximum allowable income level for is \$966. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal (“IT”) No. 19-21.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF is found to exist, financial eligibility continues to exist so long as the AU’s total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, if applicable) is less than the maximum benefit payment level allowable for the size of the assistance unit, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of four, such as Petitioner’s, the maximum allowable benefit level is \$644. See N.J.A.C. 10:90-3.3(b); see also DFD IT 19-21.

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

Here, the record reflects that the WFNJ/TANF benefits AU consists of Petitioner and three children. See Exhibit R-E. The record further reflects that Petitioner applied for WFNJ/TANF on September 13, 2021. *Ibid.* At the time of her application for benefits, Petitioner failed to disclose to the Agency that she was employed, and had been since March 2021. See Exhibits R-B, R-E. The Agency later learned of Petitioner’s employment and earned income, and after averaging three months of earned income, the Agency determined that Petitioner’s earned income made her ineligible for WFNJ/TANF benefits, as the averaged amount of \$823 exceeded the maximum allowable monthly benefit level of \$644 for continued WFNJ/TANF benefits eligibility for an AU of four. *Ibid.*; see also Initial Decision at 2. Petitioner did not receive the benefit of any earned income disregards due to the fact that Petitioner had failed to report her earned income. See N.J.A.C. 10:90-3.8(j); see also Exhibit R-C. As Petitioner was found to be ineligible for WFNJ/TANF benefits, by notice dated January 10, 2022, the Agency terminated Petitioner’s WFNJ/TANF benefits effective February 1, 2022. See Exhibit R-D; see also N.J.A.C. 10:90-3.3(b) and DFD IT 19-21. Additionally, by notice dated January 27, 2022, the Agency terminated Petitioner’s EA benefits effective March 1, 2022. See Exhibit R-7; see also N.J.A.C. 10:90-6.2(a). Based on the evidence presented, the ALJ found that Petitioner was ineligible for WFNJ/TANF benefits, due to excess income, and because she was no longer a WFNJ benefits recipient, she was also no longer eligible EA benefits. See Initial Decision at 7, 8; see also N.J.A.C. 10:90-3.3(b), -6.2(a). Accordingly, the ALJ concluded that the Agency’s termination of Petitioner’s WFNJ/TANF and EA benefits was proper and must stand. See Initial Decision at 10; see also Exhibits R-D, R-7. I agree, and also note that based on the record presented of Petitioner’s earned income, it appears that, had Petitioner disclosed her income at the time of application for WFNJ/TANF benefits, that application would have been denied. See Exhibit R-B; see also N.J.A.C. 10:90-3.3(a) and DFD IT No. 19-21.

With respect to the reduction of Petitioner’s SNAP benefits, based upon the averaged monthly earned income amount of \$823, the Agency recalculated Petitioner’s monthly SNAP benefits allotment. See Exhibit R-D. As a result of the recalculation, which included said earned income, Petitioner’s monthly SNAP benefits allotment was reduced from \$835 to \$758, effective February 1, 2022. *Ibid.*; see also Initial Decision at 3, 5. Based upon the evidence presented in this matter, the ALJ agreed that the Agency had properly reduced Petitioner’s monthly SNAP benefits allotment effective February 1, 2022, and affirmed the Agency action. See Initial Decision at 8-9, 10. I also agree.



Finally, the ALJ also addressed the closure of Petitioner's SNAP benefits case due to Petitioner's failure to provide required information for continued benefits eligibility. See Initial Decision at 9. While not a transmitted issue, the ALJ nonetheless found that the Agency action in this regard was proper and must stand. Id. at 9, 10. Based upon an independent review of the record, I also agree.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/TANF and/or SNAP benefits, if she 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 determination is AFFIRMED, as outlined above.

Officially approved final version.

April 27, 2022

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Natasha Johnson  
Assistant Commissioner

