



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 **08107-21 M.S.**

AGENCY DKT. NO. **C734672007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of her applications for Work First New Jersey/ General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. The Agency denied Petitioner WFNJ/GA benefits because her total monthly income was over the maximum allowable benefit level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 18, 2021, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 20, 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 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 (hereinafter "AU") has income that is equal to or less than the maximum allowable income or benefit level, then initial financial eligibility exists. See N.J.A.C. 10:90-3.1(b), -3.5(a), -3.6(a). Effective July 1, 2019, the maximum allowable income level for an employable WFNJ/GA assistance unit that consists of one individual is \$278 per month. See N.J.A.C. 10:90-3.5(a); see also DFD Informational Transmittal ("IT") No. 19-21. Effective July 1, 2019, the maximum allowable benefit level for an unemployable WFNJ/GA assistance unit that consists of one individual is \$277 per month. See N.J.A.C. 10:90-3.6(a); see also DFD IT No. 19-21.

Here, the record reflects that Petitioner applied for WFNJ/GA and EA benefits. See Initial Decision at 2. It appears that the Essex County Welfare Agency ("CWA") originally denied Petitioner GA benefits based upon Petitioner's income being over the maximum allowable income level for eligibility. *Ibid.*; see also N.J.A.C. 10:90-3.5(a); see also DFD IT No. 19-21. However, it was also later determined



that Petitioner resided in West Orange, which is outside the jurisdiction of the Essex County CWA, and as such, Petitioner would need to reapply through the Municipal Welfare Agency (“MWA”) in West Orange. See Initial Decision at 2. Based on the foregoing, the ALJ concluded that the Agency’s denial of WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 3. I agree, and additionally find that as Petitioner was not a WFNJ/GA benefits recipient, she was also ineligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

By way of comment, Petitioner is without prejudice to reapply for WFNJ benefits, with the appropriate CWA or MWA, as appropriate, should her circumstances have changed.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s determinations are AFFIRMED, as outlined above.

Officially approved final version.

January 27, 2022

Natasha Johnson

Assistant Commissioner

