



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **06057-22 T.D.**

AGENCY DKT. NO. **C076209008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that her monthly employment income exceeded the WFNJ/GA benefits initial financial eligibility limits, and denied Petitioner EA benefits because she was neither 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 July 25, 2022, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On July 26, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, as substantiated by the Agency's credible testimony and the information provided to the Agency by Petitioner, that, at the time Petitioner applied for WFNJ/GA benefits, she was employed and receiving \$1,031 per month, paid "under the table." See Initial Decision at 2-3, 5-6, 8; see also Exhibit R-1 at 3, 7-31. The record reflects that Petitioner did not deny that she had received the income testified to by the Agency, and the ALJ found that Petitioner had failed to demonstrate that her income met WFNJ/GA benefits eligibility requirements. See Initial Decision at 5-6, 9. In accordance with applicable regulatory authority, the ALJ found that Petitioner's monthly income of \$1,031 exceeded the maximum allowable income level of \$278 for receipt of WFNJ/GA benefits. See Initial Decision at 8; see also Exhibit R-1 at 3, 30-31, and N.J.A.C. 10:90-3.4(a), -3.5(a), and Division of Family Development Informational Transmittal ("DFD IT") No. 19-12. 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 6-10; see also Exhibit R-1 at 32-35. I agree.

The ALJ further found that, because Petitioner is not a WFNJ or SSI benefits recipient, she is ineligible for EA benefits, and as such, concluded that Agency's denial of EA benefits to Petitioner was also proper and must be affirmed. See Initial Decision at 9; see also N.J.A.C. 10:90-6.2(a) and Exhibit R-2 at 2. Moreover, the ALJ found that Petitioner is not homeless or imminently homeless, as her testimony indicated that she is still able to continue to reside with her friend, but had chosen not to, and therefore,



regardless of her WFNJ/GA eligibility status, she would not be eligible for EA benefits. See Initial Decision at 3-5, 9-10; see also Exhibits R-1 at 30, R-2 at 7, and N.J.A.C. 10:90-6.1(c). I also agree.

Exceptions to the Initial Decision were filed by Petitioner on August 1, 2022.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

August 4, 2022

Natasha Johnson

Assistant Commissioner

