



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 **06872-25 S.P.**

AGENCY DKT. NO. **S666764012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

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, contending that his income exceeded the WFNJ/GA benefits financial eligibility limits, and terminated Petitioner's EA benefits because he 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 May 20, 2025, a prehearing conference was conducted and the matter was adjourned to July 11, 2025, to allow Petitioner time to arrange for alternative housing. On July 11, 2025, the Honorable Claudia L. Marchese, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 1, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

An Exception to the Initial Decision was received from Petitioner's physician on August 7, 2025.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY the ALJ's Initial Decision and AFFIRM the Agency's determinations, based on the discussion below.

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). In order to be eligible for Work First New Jersey/General Assistance ("WFNJ/GA") benefits, the total countable income of the unemployable single adult, or couple without dependent children, must be equal to or less than the maximum benefit payment level for the size of the assistance unit as set out in Schedule V at N.J.A.C. 10:90-3.6(a). See N.J.A.C. 10:90-3.1(b)(1). Effective July 1, 2019, the maximum benefit level for an unemployable WFNJ/GA AU, consisting of one person, is \$277 per month. See N.J.A.C. 10:90-3.6(a); see also DFD Informational Transmittal ("IT") No. 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).

On December 17, 2024, Petitioner applied for EA benefits and was placed in a motel. See Initial Decision at 2; see also Exhibit EA R-1. On that same date, Petitioner signed a Service Plan ("SP"), which included terms that if Petitioner's EA motel placement ended, he would leave the hotel by the specified end date. See Initial Decision at 2-3; see also Exhibit EA R-2. Petitioner also acknowledged that he was required to apply for Retirement, Survivors, and Disability Insurance ("RSDI") benefits. See Initial Decision at 3; see also Exhibit R-3. On or about March 20, 2025, Petitioner was approved for RSDI benefits in the amount of \$1,080 per month. See Initial Decision at 3. Thereafter, on April 1, 2025, the



Agency terminated Petitioner's WFNJ/GA benefits. See Exhibits EA R-2, EA R-7. On May 1, 2025, the Agency terminated Petitioner's EA benefits. See Exhibit EA R-6.

The ALJ found that Petitioner's monthly income of \$1,080, consisting of RSDI benefits, exceeded the maximum allowable income level of \$278 for continued receipt of WFNJ/GA benefits. See Initial Decision at 1, 3; see also Exhibit EA R-5, and N.J.A.C. 10:90-3.4(a), (b), -3.5(a), (b), and DFD IT No. 19-21. Based on the foregoing, the ALJ concluded that the Agency's termination of WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 3. While I agree with the ALJ's ultimate conclusion in this matter, the ALJ incorrectly applied the amount for an employable WFNJ/GA recipient at initial application, rather than for an unemployable WFNJ/GA benefits recipient. See N.J.A.C. 10:90-3.6(a) and DFD IT No. 19-21. As Petitioner had already been receiving WFNJ/GA benefits in the unemployable benefit amount of \$277, and Petitioner's unearned income from RSDI benefits exceeded that amount, I find that the Agency correctly terminated Petitioner's WFNJ/GA benefits. See Exhibit EA R-5. The Initial Decision is modified to reflect the above analysis and findings.

The ALJ further found that, because Petitioner is neither a WFNJ or SSI benefits recipient, he is ineligible for EA benefits, and as such, concluded that the Agency's termination of Petitioner's EA benefits was also proper and must be affirmed. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.2(a). I also agree.

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

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 MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. September 18, 2025

Natasha Johnson
Assistant Commissioner

