



## DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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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 5063-15 C.B.

AGENCY DKT. NO. GA495588 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner benefits due to excess income in the form of contributions from third parties, which rendered him ineligible to receive benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 12, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 13, 2015, the ALJ issued an Initial Decision reversing the Agency determination.

One of the conditions for WFNJ/GA eligibility is that the applicant be income and resource eligible. See N.J.A.C. 10:90-2.2(a)(4). Income may be earned or unearned. See N.J.A.C. 10:90-3.9(b). Recurring contributions are considered a form of unearned income. See N.J.A.C. 10:90-3.9(e).

The ALJ found that the Agency misinterpreted a letter from Petitioner's nephew, T.B. See Initial Decision at 2. The letter states that Petitioner resides with T.B., that Petitioner's rent is \$600.00 per month, and that T.B. assists with Petitioner's rent "until he gets a job." See Initial Decision at 2; see also Exhibit R-2. The ALJ noted that the Agency incorrectly determined the \$600.00 "rental assistance" to be unearned income. See Initial Decision at 2. The ALJ noted that because Petitioner never actually received \$600.00 per month from T.B., that amount is not unearned income. *Ibid.* Additionally, the \$600.00 should not have been treated by the Agency as a resource for Petitioner. See Initial Decision at 3.

Based on the foregoing, the ALJ concluded that the Agency should not have denied Petitioner's WFNJ/GA application due to excess income or resources. See Initial Decision at 3.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and having made an independent review of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

So long as the Petitioner meets the other criteria for WFNJ/GA eligibility, including the 28-day work protocol, the Petitioner appears eligible for WFNJ/GA.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's action is REVERSED.

*Signed Copy on File*  
at DFD, BARA

**JUN 02 2015**

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Natasha Johnson  
Director