



## State of New Jersey

### 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 5496-14 E.V.

AGENCY DKT. NO. C082723 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits because she is no longer financially eligible for WFNJ/TANF benefits. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On June 6, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. On July 15, 2014, the ALJ issued an Initial Decision. The ALJ found that the Agency properly terminated Petitioner's EA because her income exceeded the maximum WFNJ/TANF benefit payment level.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and I AFFIRM and MODIFY the ALJ's Initial Decision. I modify the Initial Decision to clarify that the Agency's action in terminating Petitioner's WFNJ/TANF benefits was correct because Petitioner's income exceeds the maximum benefit payment level and the Agency's termination of Petitioner's EA benefits was proper because she is no longer eligible for WFNJ/TANF benefits.

In the present matter, the record indicates that Petitioner is employed and earns \$1,229 per month. Pursuant to N.J.A.C. 10:90-3.3(b), WFNJ/TANF financial eligibility exists so long as "the assistance unit's countable income is less than the applicable benefit level[.]" For an assistance unit of 5, the maximum allowable benefit level is \$552. Ibid. Here, even after applying the applicable income disregard, Petitioner's income exceeds the maximum allowable income level for WFNJ/TANF eligibility.

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Thus, Petitioner is no longer WFNJ/TANF eligible and as a result, she is not eligible for EA benefits because she is not a WFNJ recipient. See N.J.A.C. 10:90-6.2(a)(limiting EA benefits to WFNJ/TANF, WFNJ/General Assistance or Supplemental Security Income recipients).

Further, although I agree with the ALJ that the Agency properly terminated Petitioner's EA, I disagree with the ALJ's conclusion that the termination of Petitioner's EA "places her in a precarious and potentially devastating position." At the time of her EA application, it appears Petitioner was receiving \$1,229 per month in earned income from employment, \$245 in WFNJ/TANF benefits and \$312 per month in child support for a combined monthly income of around \$1,786. Petitioner's employment started in August 2013 and beginning in October 2013 she received the applicable income disregards, which allowed her to receive continuing WFNJ/TANF benefits while receiving earned income up until May 2014. See Exhibit P-9, Letter from Petitioner's employer and Initial Decision. In addition, Petitioner received \$494 in Supplemental Nutrition Assistance Program ("SNAP")(f/k/a the Food Stamp Program) benefits, which was increased to \$604 per month effective May 2014. See Exhibit R-1, Agency Notice. It also appears that Petitioner has received 27 months of EA in the form of temporary rental assistance, including while she has been employed. Notably, the record does not indicate any imminent or actual eviction in this matter. Therefore, I modify the Initial Decision to reflect that Petitioner's monthly income and receipt of EA over the past several months while receiving WFNJ/TANF benefits and her continuing employment and receipt of increased SNAP benefits has placed Petitioner in a position of having sufficient income and the realistic capacity to plan in advance to avert any emergency. See N.J.A.C. 10:90-6.1(c)(providing that an individual must have an "actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing"); see also N.J.A.C. 10:90-6.1(c)(2)(requiring evaluation of all potential contributions of support to the household for EA eligibility) and -6.1(c)(3)(v)(imposing 6 month period of EA ineligibility when applicant has caused their own homelessness for reasons including had available funds and capacity to prevent homelessness).

By way of comment, the Agency shall refer Petitioner to any agencies that may be able to assist with her current needs.

Accordingly, the Initial Decision and the Agency's action are AFFIRMED.

**AUG 20 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director