



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 2433-15 L.G.

AGENCY DKT. NO. V727256 (PASSAIC COUNTY BOARD 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 and EA benefits when Petitioner's income exceeded the maximum benefit payment level. On March 27, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. On May 7, 2015, the ALJ issued her Initial Decision, affirming the Agency's determination.

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 ALJ's Initial Decision and following an independent review of the record, I hereby ADOPT the Initial Decision and AFFIRM the Agency's action.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption in order to continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA, the recipient must demonstrate that her shelter costs equal or exceed the total income available to her assistance unit. N.J.A.C. 10:90-6.1(a)(1). Further, as part of the determination of EA eligibility, the agency must evaluate all potential contributions of support to the household. N.J.A.C. 10:90-6.1(c)(2). Moreover, Supplemental Security Income ("SSI") status does not automatically qualify an applicant for EA benefits, nor is EA eligibility criteria different for Work First New Jersey and SSI individuals.

An SSI applicant must still meet the criteria for EA benefits as set out at N.J.A.C. 10:90-6.1, including an evaluation of all support available to the household and whether the individual's income exceeds his shelter costs. See N.J.A.C. 10:90-6.1(a)(1) and -6.1(c)(2). Finally, it is important to note that EA benefits are not infinite in duration for any recipient.

Benefits for WFNJ/GA recipients are determined according to standards of countable income and resources. N.J.A.C. 10:90-3.1(a). Countable "income" broadly refers to earned or unearned income. N.J.A.C. 10:90-3.9(b). Financial eligibility for an unemployable assistance unit exists so long as total countable income is less than the applicable WFNJ/GA benefit level set forth in N.J.A.C. 10:90-3.6(a). In the case of an unemployable WFNJ/GA assistance unit with one individual, such as Petitioner, the maximum benefit payment level is \$210.00. N.J.A.C. 10:90-3.6.

Here, I agree with the ALJ's conclusion that the Agency correctly applied the WFNJ income criteria to determine Petitioner ineligible for both GA and EA benefits. See Initial Decision at 4. Petitioner, as an SSI recipient receiving \$764 per month, exceeded maximum GA benefit payment level allowed for an unemployable, single adult of \$210.00. See Initial Decision at 3-4; see also N.J.A.C. 10:90-3.6. In addition, Petitioner's monthly rent is \$750.00 per month. See Initial Decision at 3. Since Petitioner's income now exceeds her rent, she has sufficient monthly income to pay rent in its entirety. Therefore, Petitioner is not imminently homeless and not eligible for EA benefits. See N.J.A.C. 10:90-6.1(a)(1).

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

MAY 29 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director