



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 11211-14 S.A.

AGENCY DKT. NO. GA563905 (MIDDLESEX COUNTY BD. 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. Respondent denied Petitioner benefits because her income exceeds the maximum allowable income level. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 31, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On December 1, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I MODIFY the ALJ's Initial Decision and AFFIRM the Agency's determination. While I agree with the ALJ's conclusion of law to affirm the Agency's determination, the decision incorrectly states that the Agency terminated Petitioner's WFNJ/Temporary Assistance for Needy Family ("WFNJ/TANF") benefits. Therefore, I modify the ALJ's decision to reflect that Petitioner was denied WFNJ/GA benefits.

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 and continue on to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA is available where 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." N.J.A.C. 10:90-6.1(c). However, only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA. See N.J.A.C. 10:90-6.2.

In order to be eligible for WFNJ/GA benefits, the recipient's total countable income must be equal to or less than the initial maximum allowable income level for the appropriate unit size as set out in Schedule III at N.J.A.C. 10:90-3.5. See N.J.A.C. 10:90-3.4(a). Pursuant to N.J.A.C. 10:90-3.5(a), the maximum allowable income for an assistance unit of one, employable adult is \$210.00.

In the instant case, Petitioner is an assistance unit of one, employable adult. See Initial Decision at 2. Petitioner is employed and her monthly income is \$1,449.83. Ibid. Because \$1,449.83 a month exceeds the maximum income eligibility level of \$210 a month as set forth in N.J.A.C. 10:90-3.5(b), the Agency correctly found that the Petitioner was not eligible for WFNJ/GA. Furthermore, since Petitioner is not eligible for WFNJ/GA and she is not an SSI recipient, she is not eligible for EA benefits. See N.J.A.C. 10:90-6.2.

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

JAN 20 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director