



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 2138-15 S.T.

AGENCY DKT. NO. GA443240 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's termination of her Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits because she does not meet the standards for household composition, as the Agency considers her part of a couple operating as a single economic unit, and Petitioner's boyfriend with whom she resides, receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 4, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On March 17, 2015, the ALJ issued an Initial Decision affirming the Agency's determination.

No exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby ADOPT the Initial Decision and AFFIRM the Agency's determination.

Pursuant to N.J.A.C. 10:90-2.7(b)(1), the composition of a WFNJ/GA assistance unit is most often either a single individual over 18 years of age, or a couple without dependent children. The regulation further states, "In all other situations, the eligible assistance unit shall consist of ... [t]he person with whom the applicant lives as a couple (that is, two individuals who live together, function as one economic unit, and present themselves as a couple to the WFNJ agency) unless such person is

receiving SSI or public assistance through the WFNJ/TANF program component." N.J.A.C. 10:90-2.7(b)(1)(iii); see also N.J.A.C. 10:90-15.1 (stating the definition for "couple").

The record in this matter reflects that upon the Agency's re-determination of Petitioner's WFNJ/GA benefits, it learned that she had moved into her boyfriend's residence. See Initial Decision at 2. Petitioner's boyfriend testified that he receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits on behalf of himself and his dependent children. Ibid. Petitioner testified that she is pregnant and her boyfriend is the father. Ibid. Petitioner and her boyfriend are on the same Supplemental Nutrition Assistance Program ("SNAP"), f/k/a/ the Food Stamp Program, and Emergency Assistance ("EA") cases. Ibid.

Quoting the applicable regulatory provision, N.J.A.C. 10:90-2.7(b)(1)(iii), the ALJ concluded that the regulation clearly applied in this matter because Petitioner resides with her boyfriend who is a WFNJ/TANF recipient, without having established a familial relationship with him. See *id.* at 3. Accordingly, the ALJ concluded that Petitioner could not receive WFNJ/GA benefits and therefore, the Agency's termination of Petitioner's WFNJ/GA benefits was proper. Ibid. I concur with this determination.

Based upon the foregoing, the Initial Decision is hereby ADOPTED, and the Agency's action is AFFIRMED.

Signed Copy on File
at DFD, BARA

MAY 26 2015

Natasha Johnson
Director