State of New Jersey

MENT OF HUMAN SERVICES
SION OF FAMILY DEVELOPMENT
CN 716

DEPARTMENT OF HUMAN SERVICES
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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 18167-16 M.L.

AGENCY DKT. NO. C045261 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner WFNJ/TANF benefits because it determined that the lump sum payments that she had received, rendered her ineligible for WFNJ/TANF benefits for a period of 17.74 months. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 19, 2017, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On January 31, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner on February 13, 2017.

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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

When a nonrecurring earned or unearned lump sum payment is received, that income shall be used to repay assistance granted in accordance with the agreement to repay, if applicable. After the agreement to repay is satisfied, any lump sum remaining will be added together with all other countable income received that month by the eligible assistance unit, after application of the appropriate disregards. See N.J.A.C. 10:90-3.18(c).

An appropriate disregard is considered as money spent to "purchase items that are

integral in promoting self-sufficiency, such as the purchase of a first vehicle, vehicle repairs or essential household items." See N.J.A.C. 10:90-3.18(c)(1). If the remaining amount exceeds 200 percent of the payment level for the assistance unit size, then the assistance unit is ineligible for the number of full months derived by dividing this total income by the payment level applicable to the eligible assistance unit size. See N.J.A.C.10:90-3.18(d).

In the present matter, the record shows that Petitioner received lump sum payments associated with back Supplemental Security Income ("SSI") payments, as well as recovery from an automobile accident. See Initial Decision at 2; see also Exhibit R-1 at 30-32. The Agency determined, and the ALJ agreed, that after the appropriate disregards were applied, Petitioner had a remainder of $11,426.00. See Initial Decision at 2; see also N.J.A.C. 10:90-3.18(c). Therefore, because Petitioner's remainder was over the 200% threshold for her household size, Petitioner was deemed ineligible for 17.74 months based on the applicable income divisor of $644.00. See Initial Decision at 2; see also N.J.A.C. 10:90-3.18(d). As a result, the ALJ affirmed the denial of WFNJ/TANF benefits and the imposition of a 17.74-month ineligibility period. See Initial Decision at 3. Based on an independent review of the record, I agree with the conclusion of the ALJ.

By way of comment, I have reviewed the Exceptions submitted by Petitioner and I find that the arguments made therein do not alter my decision in this matter.

Based on the foregoing, the Initial Decision is ADOPTED and the Agency's action is AFFIRMED

FEB 27 2017 *Signed Copy on File*
at DFD, BARA

Natasha Johnson
Director