



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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Assistant Commissioner

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 **04909-24 B.C.**

AGENCY DKT. NO. **S592208012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/TANF benefits due to the receipt of lump sum Unemployment Insurance Benefits (hereinafter "UIB") benefits. The Agency terminated Petitioner's EA benefits as Petitioner was no longer a WFNJ benefits recipient, as a result of the lump sum payment, nor was she a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 14, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents, and the record was closed. On May 30, 2024, the ALJ issued an Initial Decision, affirming the Agency's terminations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision and AFFIRM the Agency's terminations, based on the discussion below.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. See N.J.S.A. 44:10-56. TANF is a component of WFNJ that provides assistance to adults with dependent children. See N.J.A.C. 10:90-1.1(b). In evaluating an individual's eligibility for WFNJ/TANF benefits, all countable income and resources of all persons in the assistance unit of which the applicant or recipient is a member, unless exempt, must be considered. See N.J.A.C. 10:90-3.1(a), -3.9(a), -3.10(a), -3.19 and -3.20. Income includes monies received as unemployment compensation, as well as disability claims. See N.J.A.C. 10:90-3.9(a).

Financial eligibility for WFNJ/TANF benefits is determined based upon the assistance unit's ("AU") countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). Pursuant to N.J.A.C. 10:90-3.2(a), in order to determine initial financial eligibility for WFNJ/TANF benefits for a new applicant, reapplicant or reopened case, "all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule I at N.J.A.C. 10:90-3.3." See also N.J.A.C. 10:90-3.1(b). Effective July 1, 2019, for an AU of three, such as Petitioner's, the initial monthly maximum allowable income level is \$839. See N.J.A.C. 10:90-3.3 and DFD Informational Transmittal ("IT") 19-21 at 3.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF is found to exist, financial eligibility continues to exist so long as the AU's total countable income (with benefit of the appropriate disregards at N.J.A.C.



10:90-3.8 for earned income, if applicable) is less than the maximum benefit payment level allowable for the size of the AU, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). Effective July 1, 2019, for an AU of three, such as Petitioner's, the maximum benefit payment level is \$559. See N.J.A.C. 10:90-3.3(b); see also DFD IT 19-21 at 3.

When a nonrecurring earned or unearned lump sum payment is received, the recipient must notify the appropriate agency within 10 calendar days of receipt and that income shall be used to repay assistance granted in accordance with the agreement to repay. See N.J.A.C. 10:90-3.18(a), (b). 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); see also DFD IT 19-21.

Here, the record reflects that Petitioner, who applied for WFNJ/TANF and EA benefits on December 21, 2023, was issued retroactive UIB benefits on or about February 29, 2024, totaling \$9,504.00, which amount was not reported timely to the Agency by Petitioner. See Initial Decision at 2; see also Exhibits R-A, R-C, R-1, R-4, R-6. When the Agency learned of the UIB payment, on March 13, 2024, it closed Petitioner's WFNJ/TANF case, terminating her WFNJ/TANF benefits effective March 1, 2024, because the lump sum income exceeded the maximum income for receipt of continued WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibits R-B, R-C, R-D, R-6, and N.J.A.C. 10:90-3.5(b). As only WFNJ and SSI benefits recipients are eligible for EA benefits, following the termination of Petitioner's WFNJ/TANF benefits, the Agency terminated her EA benefits effective April 19, 2024. See Initial Decision at 3, 6-7; see also Exhibit R-9 and N.J.A.C. 10:90-6.2(a). Further, as a result of the receipt of the lump sum, Petitioner was disqualified from receipt of WFNJ/TANF benefits for a period of 8.5 months, effective April 1, 2024. See Initial Decision at 3, 6; see also Exhibit R-F, N.J.A.C.10:90-3.18(d) and DFD IT 19-21.

Petitioner contended that she did not report the receipt of the UIB benefits claiming she was unaware of the UIB benefits until she received a notification from the Agency that her WFNJ/TANF application was denied. See Initial Decision at 4. Additionally, Petitioner testified that she intended to use the UIB benefits to secure housing but that she has been unable to find housing as she is currently unemployed. Ibid.

The ALJ in this matter concluded that the Agency properly terminated Petitioner's WFNJ/TANF benefits, and correctly imposed an ineligibility period for WFNJ/TANF benefits of 8.5 months, while further concluding that the Agency correctly terminated Petitioner's EA benefits as she was no longer a WFNJ, nor an SSI, benefits recipient. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.2(a). I agree, but hereby modify the Initial Decision to reflect that Petitioner's WFNJ/TANF benefits were terminated because the lump sum of UIB received exceeded the maximum allowable WFNJ/TANF benefits level of \$559, not the initial allowable income eligibility level of \$839. See Initial Decision at 5; see also N.J.A.C. 10:90-3.3(b).

Accordingly, the Initial Decision is hereby MODIFIED and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. July 11, 2024

Natasha Johnson
Assistant Commissioner

