



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
Director

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 11080-18 B.H.

AGENCY DKT. NO. C088727011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits because her unearned income exceeds the allowable eligibility benefit level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for September 4, 2018, at which time both parties appeared, and following a prehearing conference the parties agreed to adjourn the hearing for 45 days. On October 22, 2018, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to submit supporting documentation. No such documentation was forthcoming and the record then closed on November 5, 2018.

On November 7, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that in 2015, Petitioner reached a Workers' Compensation settlement agreement which entitled her to receive lifetime payments in the amount \$220.40 per week, tax free. See Initial Decision at 2-3; see also Exhibits P-1, R-5. That same year, Petitioner set up a Pooled Special Needs Trust ("Trust") wherein her Workers' Compensation payments were deposited. See Initial Decision at 3; see also Exhibits R-2, R-3, and R-4. Petitioner's monthly unearned income from that Trust is \$244. See Initial Decision at 4; see also Exhibit R-4. Pursuant to regulatory authority, Petitioner's monthly income from that Trust is not exempt income and therefore, must be counted for purposes of WFNJ/GA benefits eligibility. See N.J.A.C. 10:90-3.1(a), (b), -3.9, and -3.19. Based on the foregoing, the ALJ found that Petitioner's monthly Trust income, or \$244, exceeds the monthly allowable benefit amount of \$210 for an unemployable WFNJ/GA benefits applicant such as Petitioner. See Initial Decision at 4; see also N.J.A.C. 10:90-3.6(a). Accordingly, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-6. I agree.

Exceptions to the Initial Decision were filed by Petitioner on November 20, 2018.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter. Moreover, Petitioner included documents with her Exceptions which were not introduced



before the ALJ at the hearing. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ.

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

Officially approved final version.

DEC 03 2018

Natasha Johnson

Director

