



State of New Jersey

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

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

REMAND DECISION

OAL DKT. NO. HPW 08817-18 D.S.

AGENCY DKT. NO. C149661003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), the termination of Emergency Assistance ("EA") benefits, and the reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/GA contending that she was over income, terminated her EA benefits because she was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient, and reduced her monthly SNAP benefits based on an increase in earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 25, 2018, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 25, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 hereby REJECT the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency based on the discussion below.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/GA is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA assistance unit (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8(b) for earned income) is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). For an employable assistance unit of 1, the maximum allowable benefit level is \$140. Ibid.

Only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that Petitioner began receiving WFNJ/GA benefits on February 10, 2018, in the amount of \$140. See Initial Decision at 2; see also Exhibit R-1 at 1, 26. Shortly thereafter, Petitioner became employed, and according to the paystubs provided in the record, Petitioner's monthly



earned income appears to be \$623. See Initial Decision at 2; see also Exhibits R-1 at 26, R-2. Based on the aforementioned earned income, the Agency determined that Petitioner was over the income eligibility level for receipt of WFNJ/GA benefits, and terminated his WFNJ/GA benefits. See Initial Decision at 3; see also Exhibit R-1 at 6-8, and N.J.A.C. 10:90-3.3, -3.9. Consequently, the Agency terminated Petitioner's EA benefits because he was no longer a WFNJ/GA benefits, nor an SSI benefits recipient. See Initial Decision at 3; see also Exhibit R-1 at 2-3; see also N.J.A.C. 10:90-6.2(a). However, the regulations applied by the Agency, and upon which the ALJ relied, are misplaced. Rather, I find that Petitioner was a WFNJ/GA benefits recipient at the time of his increase in earned income, and therefore, the appropriate disregards set forth at N.J.A.C. 10:90-3.8(b) must be applied to determine his continued WFNJ/GA benefits eligibility. See Initial Decision at 3; see also Exhibit R-1 at 6-8, and N.J.A.C. 10:90-3.1(c), - 3.5(b). Further, it appears that once said disregards are applied, that Petitioner may indeed be eligible for continued WFNJ/GA benefits, and then, in turn, eligible for EA benefits. Therefore, I am remanding the matter to the Agency to reevaluate Petitioner for WFNJ/GA and EA, benefits.

Also, the record reflects that the Agency reduced Petitioner's monthly SNAP benefits to \$90 based on an increase in Petitioner's earned income. See Initial Decision at 3; see also Exhibit R-1 at 9, 29, and N.J.A.C. 10:87-5.4, -6.9. Although it is unclear from the record whether or not a SNAP benefits reduction was correct, the record indicates that Petitioner's SNAP benefits reduction was adjusted and that he has continued to receive the \$192 monthly amount that he had originally been receiving. See Exhibit R-1 at 28, 29. Therefore, the reduction in Petitioner's SNAP benefits has been cured, and the SNAP benefits matter is now moot.

Accordingly, the Initial Decision is hereby REJECTED, the Agency's action is REVERSED, and the matter REMANED to the Agency based on the discussion above.

Officially approved final version.

JUL - 5 2018

Natasha Johnson
Director

