



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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

FINAL DECISION

OAL DKT. NO. HPW 09529-18 E.B.

AGENCY DKT. NO. C077559015 (OCEAN COUNTY BOARD 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, and the reduction of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because her household income was over the maximum benefits level for eligibility, terminated Petitioner's EA benefits because she was no longer a WFNJ/TANF benefits recipient, and reduced Petitioner's monthly SNAP benefits based on an increase in household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 24, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 7, 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

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 total countable income of the WFNJ/TANF assistance unit ("AU"), with benefit of the appropriate disregard set forth in N.J.A.C. 10:90-3.8(h) for child support income, is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of 3, the maximum allowable benefit level is \$424. Ibid.

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

Here, the record reflects that Petitioner's AU consists of herself, her minor daughter, and her minor daughter's child. See Initial Decision at 2. The record also reflects that both Petitioner and her daughter had been the victims of domestic violence. See Initial Decision at 3-4. Petitioner's AU was receiving WFNJ/TANF benefits until such time as Petitioner and her daughter both began receiving child support payments, which, after the appropriate child support disregards were applied, brought the household income over the maximum benefit level of \$424 per month allowable for WFNJ/TANF benefits for an AU of three. See Initial Decision at 2-3; see also Exhibits P-1, P-2, R-3, R-4, R-8, R-9, R-10, EA R-4, and N.J.A.C. 10:90-3.1(c), -3.3(b). As a result, the Agency terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibit R-5, and N.J.A.C. 10:90-3.1(c), -3.3(b). The Agency also terminated Petitioner's EA benefits because she was no longer a WFNJ, nor an SSI, benefits recipient, a requirement for EA benefits eligibility. See



Initial Decision at 3; see also Exhibit EA R-1, EA R-4, and N.J.A.C. 10:90-6.2(a). Based on the testimony and evidence presented, the ALJ concluded that Petitioner is ineligible for WFNJ/TANF benefits because her household income exceeds the maximum benefit eligibility level, and that Petitioner is ineligible for EA benefits because she is no longer a WFNJ, nor an SSI, benefits recipient. See Initial Decision at 6, 8. Further, the ALJ found that, although Petitioner and her daughter are victims of domestic violence, Petitioner is ineligible for WFNJ/TANF and EA benefits pursuant to the Family Violence Option because said regulatory authority only permits a waiver of the WFNJ work activity and/or the WFNJ and EA benefits time limits, and does not permit a waiver of the WFNJ benefits financial eligibility requirement. See Initial Decision at 8-11; see also N.J.A.C. 10:90-20.4. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was proper and must stand. See Initial Decision at 11; see also Exhibits R-5, EA R-4. I agree.

The ALJ also found that the Agency's reduction of Petitioner's SNAP benefits from \$504 to \$377 per month, due to the increased income of Petitioner's household from receipt of child support, was proper and must stand. See Initial Decision at 10-11; see also Exhibit R-6, and N.J.A.C. 10:87-5.3, -5.5, -5.9, -12.3. I also agree.

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. Additionally, the Agency shall refer Petitioner for those services needed to address her claim of domestic violence. See Initial Decision at 11.

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

Officially approved final version.

SEP 12 2018

Natasha Johnson

Director

