



State of New Jersey

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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 13195-18 J.M.

AGENCY DKT. NO. C158151003 (BURLINGTON 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 contending that her assistance unit's ("AU") earned income was over the maximum benefit eligibility level for receipt of said benefits, and terminated her EA benefits because she was no longer a WFNJ benefits recipient, and she was not a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 1, 2018, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 22, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on October 31, 2018.

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 MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination, as discussed below.

Here, the record reflects that Petitioner became employed in August 2018, and that her boyfriend, a member of Petitioner's assistance unit ("AU"), became employed in July 2018. See Initial Decision at 3; see also Exhibits R-4, R-5, and R-6. The record also indicates that after the appropriate income disregards were applied to the AU's earned income, the Agency terminated Petitioner's WFNJ/TANF benefits, effective October 1, 2018, on the basis that her AU's earned income was over the maximum benefit eligibility level for receipt of such benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-3.1(c), -3.3(b), and -3.8. As a result of that termination, Petitioner's EA benefits also were terminated because she was no longer a WFNJ benefits recipient and she was not an SSI benefits recipient. See Initial Decision at 3; see also "Notice" dated August 31, 2018, and N.J.A.C. 10:90-6.2(a). Petitioner did not dispute that her AU's earned income rendered her ineligible for WFNJ/TANF and EA benefits, but rather contended that she was not provided with proper notice of the termination of her EA benefits. See Initial Decision at 1-2, 5; see also N.J.A.C. 10:90-9.1.

The ALJ found that the Agency had not properly noticed Petitioner of the termination of her EA benefits, because the Agency had mailed its August 31, 2018, termination notice to Petitioner's prior address, instead of to her current address, and that the Agency had knowledge of Petitioner's current address at the time of the mailing. See Initial Decision at 3-4; see also "Notice" date August 31, 2018, and Exhibits R-5, R-6. Based on the foregoing, the ALJ concluded that the Agency's notice of the termination of Petitioner's EA benefits was deficient, and that Petitioner, therefore, continues to be eligible for EA benefits pending an accurate notice of termination of such benefits provided by the Agency. See Initial Decision at 6-7; see also N.J.A.C. 10:90-9.1. I agree, however, pursuant to N.J.A.C. 10:90-9.1, this Final Agency



Decision will serve as notice to Petitioner that her EA benefits are hereby terminated, with her last EA benefits being provided for the month of November 2018. Additionally, it is unclear from the record whether or not the Agency properly notified Petitioner of the termination of her WFNJ/TANF benefits, and as such, this Final Agency Decision will serve as notice to Petitioner that her WFNJ/TANF benefits are hereby terminated, with her last WFNJ/TANF benefits being provided for the month of November 2018. See N.J.A.C. 10:90-9.1. Further, Petitioner will not be provided with another fair hearing on these matters. The Initial Decision and the Agency's determinations are modified to reflect this finding.

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

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

Officially approved final version.

Natasha Johnson
Director

