



## 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 06755-18 K.J.

AGENCY DKT. NO. C078125003 (BURLINGTON COUNTY BD. 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 contending that her monthly income exceeds the maximum allowable benefit level for a household of her size, that she failed to apply for temporary disability insurance ("TDI"), and that she failed to obtain other documentation necessary for her application. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 13, 2018, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 29, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on July 9, 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 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/GA is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA assistance unit ("AU") (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 AU of one, the maximum allowable benefit level is \$140. Ibid.

Here, the record reflects that Petitioner applied for WFNJ/GA benefits on March 9, 2018. See Initial Decision at 2; see also Exhibit R-1. On March 19, 2018, the Agency requested that Petitioner do the following: apply for Supplemental Security Income ("SSI") benefits and TDI benefits; provide verification of the status of her claim for Unemployment Insurance Benefits ("UIB"); provide a letter of separation from her employer; provide a MED-1 form; and, provide recent bank statements. See Initial Decision at 2; see also Exhibit R-2. On that same date, the Agency was notified that Petitioner was still employed, had healthcare coverage, and was on Family and Medical Leave Act ("FMLA") leave. See Initial Decision at 2; see also Exhibit R-3 at 1-6. On March 27, 2018, Petitioner provided a copy of her



paystub to the Agency. See Initial Decision at 3; see also Exhibit R-3 at 11. Petitioner also testified that she applied for Worker's Compensation benefits, but did not apply for TDI benefits because she was unaware that she could apply for both programs. See Initial Decision at 3. The ALJ found that, had Petitioner applied for TDI benefits as required, she could have possibly negated her need to utilize WFNJ/GA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-1.12, -2.2(a)(3). The ALJ also found that based upon the documentary evidence, Petitioner's earned income, at the time of her application, made her ineligible for WFNJ/GA benefits as her income exceeded the maximum allowable benefit level for receipt of WFNJ/GA benefits. See Initial Decision at 6; see also Exhibit R-3 at 11-12, and N.J.A.C. 10:90-3.1(c), -3.5(b). Based on the foregoing, the ALJ concluded that the Agency's denial of Petitioner's application for WFNJ/GA benefits was proper and must stand. See Initial Decision at 6; see also Exhibit R-4 at 1-4. I agree.

By way of comment, Petitioner is without prejudice to reapply for WFNJGA benefits should her circumstances change.

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.

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

Officially approved final version.

**JUL 10 2018**

---

Natasha Johnson  
Director

