



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 13681-18 K.M.

AGENCY DKT. NO. C698075007 (ESSEX COUNTY DIVISION OF WELFARE)

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 Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits contending that her earned income exceeded the WFNJ/TANF eligibility limit, terminated her EA benefits because she was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient, and reduced her SNAP benefits based on her earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 9, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 9, 2018, the ALJ issue an Initial Decision, reversing the Agency's determination regarding the termination of Petitioner's EA benefits.

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 REVERSE the Agency's determination.

Here, the ALJ found, and the Agency acknowledged, that Petitioner was eligible for EA benefits for the months of May, June, and September 2018, and the record reflects that Petitioner had been provided with EA benefits for those months, on October 2, 2018. See Initial Decision at 3; see also Exhibits R-1, R-2, and R-3. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 3-4; see also Exhibit R-5. I agree. Pending the outcome of this fair hearing, Petitioner was also provided with continued assistance housing benefits for the month of October 2018. However, the record indicates that Petitioner is now employed, and as such, I find that she may be ineligible for EA benefits going forward. See Initial Decision at 4; see also Exhibit R-5, and N.J.A.C. 10:90-6.2(a).



By way comment, the transmittal in this matter indicates a contested issue regarding a termination of WFNJ/TANF benefits, and a reduction of SNAP benefits, which were not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a termination of WFNJ/TANF benefits, and a reduction of SNAP benefits, she may request another fair hearing on those issues alone. However, as it appears from the record that Petitioner is now employed, she may, in fact, be ineligible for WFNJ/TANF benefits, and receipt of earned income would result in a reduction of SNAP benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-3.1(c), 3.3(b), 3.8(b), -3.9(c), and N.J.A.C. 10:87-6.16.

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

Officially approved final version.

OCT 19 2018

Natasha Johnson

Director

