



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 13680-18 S.J.

AGENCY DKT. NO. C415050007 (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") benefits, the denial 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 income put her over the maximum allowable benefit level for receipt of said benefits, and denied Petitioner EA benefits contending that she had sufficient income to pay her rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 9, 2018, but was rescheduled due to Petitioner's conflicting medical appointment. On October 25, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 19, 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 ("DFD"), 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.

Here, the record reflects that Petitioner was originally approved for WFNJ/TANF benefits in April 2018, however, upon learning that Petitioner had begun receiving Unemployment Insurance Benefits ("UIB") in May 2018, receipt of which was not reported by Petitioner to the Agency, it was determined that Petitioner's income put her over the maximum allowable benefit level for receipt of WFNJ/TANF benefits. See Initial Decision at 4; see also Exhibit R-2. Consequently, Petitioner's WFNJ/TANF benefits were terminated, effective September 1, 2018. See Initial Decision at 4; see also Exhibits R-2 at 1-4, R-6, R-11, and N.J.A.C. 10:90-3.1(c), -3.3(b). The record reflects that Petitioner's monthly UIB was \$1,155 and the maximum allowable WFNJ/TANF benefit level for an assistance unit of three, such as Petitioner's, was \$424 per month, until July 2018 when the amount increased to \$454 per month. See Exhibit R-2 at 1-4; see also N.J.A.C. 10:90-3.1(c), -3.3(b), and DFD Instruction 18-08-04. Based on the foregoing, I concur with the ALJ's conclusion that the Agency's termination of WFNJ/TANF benefits was proper and must stand. See Initial Decision at 5; see also Exhibits R-2 at 3, R-6.

The record also reflects that Petitioner had earned income through March 2018, in the amount of \$3,328, a lump sum UIB payment in May 2018, in the amount of \$1,900, and \$322 per week in UIB benefits thereafter. See Initial Decision at 4; see also Exhibits R-2 at 1, R-7. However, Petitioner failed to pay her rent, resulting in her imminent eviction. See Initial Decision at 5; see also Exhibit P-1. The ALJ found that Petitioner had sufficient income to pay her rent, but failed to do so. See Initial Decision at 5. Based on the foregoing, I concur with the ALJ's conclusion that the Agency's denial of Petitioner's application for EA benefits was proper and must stand. *Ibid.*; see also Exhibit R-6, and N.J.A.C. 10:90-6.1(c)



(3)(v). Moreover, because Petitioner is no longer a WFNJ benefits recipient, and because she is not a Supplemental Security Income ("SSI") benefits recipient, I find that Petitioner is also ineligible for EA benefits on that basis. See N.J.A.C. 10:90-6.2(a).

By way of comment, because the ALJ found that Petitioner had sufficient income to pay her rent, but failed to do so, I find that Petitioner has caused her own homelessness, and as such, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(3)(v).

By way of further comment, the transmittal in this matter indicates that Petitioner also appealed a reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits, which was not specifically addressed by the ALJ in the Initial Decision, other than to state that Petitioner's SNAP "status is not before me at this time." See Initial Decision at 2. It is unclear, from this statement by the ALJ, if the issue pertaining to a reduction of SNAP benefits was resolved. Therefore, if Petitioner still has an issue concerning a reduction of SNAP benefits, she may request another fair hearing on that issue alone.

Also, 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.

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

Officially approved final version.

DEC 27 2018

Natasha Johnson
Director

