



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
Assistant Commissioner

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 05445-21 R.F.

AGENCY DKT. NO. C211275009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had exhausted her 12-month lifetime limit of EA benefits and did not qualify for an extension of such benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 2, 2021, the Honorable William T. Cooper, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 2, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that at the time Petitioner had applied for EA benefits she had already exhausted her 12-month lifetime limit of EA benefits, and did not qualify for an extension of EA benefits. See Initial Decision at 2-3; see also Exhibit R-1, and N.J.A.C. 10:90-6.4(a). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 3.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is advised that she may apply for an extreme hardship extension of EA benefits, if she has not done so already. See N.J.A.C. 10:90-6.4(b).

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

Officially approved final version.

AUG 5 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

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Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 03985-21 K.L.

AGENCY DKT. NO. C147067007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he was not a Work First New Jersey ("WFNJ"), nor a Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 1, 2021, the Honorable William T. Cooper, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On June 17, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that, as an SSI benefits recipient, Petitioner had been eligible for, and receiving, EA benefits. However Petitioner acknowledged that commencing March 20, 2021, he stopped receiving SSI benefits and began receiving Retirement, Survivors and Disability, Insurance ("RSDI") benefits, and consequently, the Agency terminated his EA benefits because he was not a WFNJ, nor an SSI, benefits recipient. See Initial Decision at 2-3; see also Exhibit R-1 at 1-5, 15-16, 32-35. Based on Petitioner's receipt of RSDI benefits, the ALJ found that Petitioner was ineligible EA benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.2(a) (limiting eligibility for EA benefits to WFNJ and SSI benefits recipients). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 1-5. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his 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.

AUG 5 2021

Natasha Johnson
Assistant Commissioner





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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 04130-21 G.D.

AGENCY DKT. NO. C112700015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that upon redetermination he failed to sign and return certain documents required for continued WFNJ/GA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 11, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 29, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, upon a redetermination of WFNJ/GA benefits eligibility, and as a regulatory condition for continued eligibility for such benefits, Petitioner was required to provide the Agency with signed WFNJ-10D, WFNJ/GA-30, and WFNJ/GA-30A forms. See Initial Decision at 2-4; see also Exhibits R-2 through R-5, R-7, and N.J.A.C. 10:90-1.2(f)(8), (i) and N.J.A.C. 10:90-14.5(c). The ALJ found that Petitioner had failed to provide the signed forms to the Agency, and the record also reflects that Petitioner had admitted at the hearing that he would not be signing the forms due to a possible Supplemental Security Income ("SSI") benefits recoupment. See Initial Decision a 4-5. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and must stand. *Ibid.*; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/GA benefits, but is reminded that he must sign all required forms for benefits eligibility.

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



Officially approved final version.

AUG 1. 0 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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DIVISION OF FAMILY DEVELOPMENT
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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **04464-21 M.P.**

AGENCY DKT. NO. **C157188003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner challenges the correctness of the Respondent Agency's reduction of his Supplemental Nutrition Assistance Program ("SNAP") benefits, on recertification. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for June 9, 2021. On that date, Petitioner requested additional information from the Agency and also sought to retain counsel. The hearing was thereby adjourned and rescheduled for June 28, 2021. On June 28, 2021, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for submission of additional information by the Agency and then closed on June 30, 2021. On July 15, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby ADOPTED, and the Agency determination is AFFIRMED, based on the discussion below.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87-1.1(a). In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. N.J.A.C. 10:87-6.16 outlines the procedures used to calculate net income and benefit levels for SNAP recipients. The regulation provides that the applicant's monthly net income is determined by adding together all earned and unearned income, then subtracting all income exclusions. Then, the standard deduction, based upon the size of the household, is subtracted from the income.

Thereafter, the household is evaluated to determine if a medical deduction is appropriate, which is if the household has medical expenses that exceed \$35.00. If the household is entitled to a medical deduction, then the amount in excess of \$35.00 is subtracted from the applicant's income. Then, the applicant is evaluated for an excess shelter deduction. Such a deduction is permitted when the individual's shelter



costs exceed 50% of their net income. If this deduction is allowable, then the difference between the shelter costs and the 50% net income, or up to the maximum allowable amount, is subtracted from the individual's income. The remaining figure is Petitioner's net income. This net income is then compared against the maximum allowable net income amount for the household's size, as outlined at N.J.A.C. 10:87-12.3, to determine eligibility. If eligible, the household's monthly SNAP allotment shall be equal to the maximum food stamp allotment for the household's size, reduced by 30 percent of the household's net monthly income. See N.J.A.C. 10:87-12.6(a)(1).

As stated above, one step in determining a SNAP recipient's benefit amount is identifying actual shelter costs paid, in order to determine if an excess shelter deduction is applicable in the household's SNAP benefits calculation. The record in this matter reflects that, at the time of Petitioner's recertification for SNAP benefits, Petitioner advised the Agency that he no longer paid a portion of his unearned income from Supplemental Security Income ("SSI") towards his shelter costs, which was then confirmed by the Agency. See Initial Decision at 3, 4; see also Exhibit R-8. As such, the shelter costs actually paid by Petitioner were changed in the SNAP benefits calculation, from \$244 to \$0. *Id.* at 6; see also Exhibit R-11.

Accordingly, Petitioner's correct SNAP benefits allotment was calculated as follows. The record in this matter reflects that Petitioner's household consists of one person, and that the household's monthly gross income totals \$825, comprised of Petitioner's unearned income from SSI benefits. See Exhibits R-10 and R-11, and N.J.A.C. 10:87-5.5(a)(2) and -6.16(b)(3). The household has no monthly earned income. See N.J.A.C. 10:87-6.16(b)(2). After subtracting the standard deduction of \$167 for a household of one, Petitioner's income is reduced to \$658. See N.J.A.C. 10:87-6.16(b)(4); see also DFD Instruction ("DFDI") 19-09-01 at 11. Next, is to determine if Petitioner receives a shelter deduction and if so, how much. As outlined above, Petitioner's shelter expenses are now \$0, added to that, is the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which equals \$548.00. See N.J.A.C. 10:87-6.16(b)(8); see also DFDI 20-09-04 at 11. Subtracted from that amount is 50% of Petitioner's income after the above deductions, or half of \$658.00, which is \$329.00, (\$548 - \$329), resulting in an excess shelter deduction of \$219.00. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions (($\$825 - \167) - $\$219.00$), resulting in a net monthly SNAP income of \$439.00. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit R-11. That amount is then multiplied by .3 and rounded up, or \$132. See N.J.A.C. 10:87-12.6(a)(1)(i)-(ii). That amount is then subtracted from the maximum benefit for a household of one, \$234 - \$132, or \$102. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also Exhibit R-11.

Based on the foregoing, I concur with the ALJ that the Agency's calculation of Petitioner's SNAP benefits, and the resultant reduction of said benefits on recertification due to a decrease in actual shelter expenses, was correct and must stand. See Initial Decision at 8; see also Exhibit R-1, and N.J.A.C. 10:87-6.16.

Accordingly, the Initial Decision in this matter is ADOPTED, and the Agency's determination is hereby AFFIRMED, as outlined above.

Officially approved final version.

AUG 10 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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DEPARTMENT OF HUMAN SERVICES
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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 06312-21 T.J.

AGENCY DKT. NO. C712089007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA"), benefits. The Agency denied Petitioner WFNJ/TANF benefits, contending that she had failed to cooperate with child support requirements, and terminated Petitioner EA benefits because she was not a WFNJ, or Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 2, 2021, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 3, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, based on the discussion below.

N.J.A.C. 10:90-1.3(a) states, "All applicants for WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made." In relevant part, immediate need "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a)(1); see also DFD Instruction ("DFDI") 19-04-01. Of note, the termination of immediate need assistance is not appealable as such assistance is not considered EA benefits. See DFDI 08-11-01 at 4.

Here, the ALJ found Petitioner credible when she testified that she does not have any information regarding her child's three possible fathers. See Initial Decision at 3, 5-6; see also Exhibit P-1. Specifically, Petitioner testified that all three men were strangers, that she does not know their addresses, and that she does not know how to contact them. See Initial Decision at 3. The record also reflects that Petitioner attempted to locate the three possible fathers by going back to the places



where they had met, but was unsuccessful. Ibid. Based on the foregoing, the ALJ found that there is no information that Petitioner can provide to the Agency regarding her child's father, and as such, she has complied with the child support requirements to the best of her ability. Id. at 3, 5-6. Moreover, the ALJ found that Petitioner had exhibited her willingness to cooperate and obtain all information that she could reasonably obtain, and that the Agency could have determined that Petitioner made a good faith effort to provide the required information, thereby warranting the granting of WFNJ/TANF benefits. Ibid.; see also Exhibits R-2, R-5. Accordingly, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was improper and must be reversed. See Initial Decision at 4-6; see also Exhibit R-1, and N.J.A.C. 10:90-16.1, -16.2, -16.3, -16.4. I agree.

Further, the record reflects that, at the time Petitioner applied for WFNJ/TANF benefits she was provided with immediate need housing assistance by the Agency, not EA benefits. See Initial Decision at 2; see also Exhibit R-3 and N.J.A.C. 10:90-1.3(a). Therefore, when Petitioner's application for WFNJ/TANF benefits was denied, her immediate need assistance ended. See N.J.A.C. 10:90-1.3(a). Based on the foregoing, I find that there has been no termination of EA benefits, as the Agency had determined, and the ALJ had concluded, but rather, a denial of EA benefits. See Initial Decision at 3, 6; see also Exhibit R-1. As Petitioner has now been found eligible for WFNJ/TANF benefits, Petitioner is now also eligible for EA benefits, and the Agency determination is reversed on that basis. See N.J.A.C. 10:90-6.2(a). The Initial Decision, as well as the Agency's determination, are modified to reflect these findings. See Initial Decision at 3, 6; see also Exhibit R-1.

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

AUG 10 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner





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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 05261-21 A.G.

AGENCY DKT. NO. C254702020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's SNAP benefits for failure to provide mandatory verification. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 9, 2021, the Honorable William T. Cooper, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing and took testimony. The record was held open for the submission of documentation and then closed on July 12, 2021. On July 22, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby MODIFIED, and the Agency determination is AFFIRMED, based on the discussion below.

N.J.A.C. 10:87-2.19 requires the Agency to verify certain information in order to determine eligibility for SNAP benefits, including non-exempt gross income.

Regulatory authority applicable to SNAP benefits cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3.

In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. In accordance with N.J.A.C. 10:87-6.16(d)(1), households which contain an elderly or permanently disabled individual, as defined by N.J.A.C. 10:87-2.34, must meet the net income test for SNAP eligibility. N.J.A.C. 10:87-6.16(d)(2), states that households that do not contain an elderly or permanently disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4.



Gross income is determined by adding together the household's monthly earned and unearned income, minus any earned income exclusions. See N.J.A.C. 10:87-6.16(b), (b)(1). That total gross income amount is then utilized to determine a household's SNAP eligibility in accordance with N.J.A.C. 10:87-6.16(d)(1) and (2).

Here, an independent review of the record reflects that Petitioner applied for SNAP benefits on January 5, 2021. See Exhibit R-1. While the Initial Decision states that Petitioner provided paystubs with her application, the paystubs in the record show that they were stamped "received" on July 1, 2021. See Exhibit R-2. I also note that Petitioner's children do not appear to be listed on Petitioner's SNAP application, as required. See Exhibit R-1. The denial notice, issued by the Agency on February 11, 2021, requested that Petitioner "[p]rovide proof of income from the last 30 days (2 most recent and consecutive paystubs if paid biweekly or 4 most recent and consecutive paystubs if paid weekly)." See Exhibits P-4, R-4. The notice further states that Petitioner "could also provide proof of your shelter costs and utility expenses which are optional and for credit only." Ibid. The record reflects that Petitioner failed to provide the requested information, and instead, requested a fair hearing, and that basis, I find that the Agency properly denied Petitioner SNAP benefits on February 11, 2021, and that action is thereby affirmed. Ibid. The Initial Decision is modified to reflect the above findings.

The ALJ in this matter then went on to find that Petitioner's total household gross income was over the maximum allowable for the household size, and as such, Petitioner was ineligible for SNAP benefits. See Initial Decision at 4-5. Petitioner's SNAP household is comprised of Petitioner and her two minor children. See Initial Decision at 2. The maximum permissible gross income for a household of three persons is \$3,349. See DFD Instruction ("DFDI") 20-09-04 at 13. The record further shows that Petitioner's total household gross income is comprised of earned income, plus monthly child support payments, which total \$3,628. See Initial Decision at 2. Based on the foregoing, the ALJ found that the Agency properly denied Petitioner SNAP benefits based on excess income over the maximum permissible level. See Initial Decision at 4-5. Based on the record presented, I agree. Additionally, it should be noted that, if the gross income test is not met in cases such as this, where there is no elderly or permanently disabled household member, calculation of the household's net income, and application of household expenses in the eligibility calculation, is unnecessary. Therefore, Petitioner's assertions that the Agency's failure to apply shelter and utility expenses would have rendered her eligible for SNAP benefits, is misplaced. See Initial Decision at 3, 4.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits, but must provide the Agency with all documentation required to determine eligibility. See N.J.A.C. 10:87-2.2, -2.19.

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

Officially approved final version.

AUG 10 2021

Natasha Johnson
Assistant Commissioner





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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 21-039054 T.B.

AGENCY DKT. NO. C433179004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

On or about March 18, 2021, Petitioner submitted a request for an Administrative Review to the Division of Family Development ("DFD"), Bureau of Administrative Review and Appeals ("BARA"). Petitioner contests the correctness of the Respondent Agency's ("Agency") receipt of her Supplemental Security Income ("SSI") benefits interim check as recoupment for the public assistance provided to her while she awaited an SSI benefits eligibility determination.

As Assistant Commissioner, DFD, Department of Human Services, I reviewed this matter, and I hereby AFFIRM the Agency's action.

In order for an Agency to grant public assistance to an individual who has applied, or is about to apply, for SSI benefits, the Agency shall first require that he or she sign the Work First New Jersey/General Assistance ("WFNJ/GA")-30 and WFNJ/GA-30A forms. See N.J.A.C. 10:90-14.5(c) and N.J.A.C. 10:90-1.2(f)(8)(i). These forms pertain to the client's obligation to repay the Agency for assistance, including Emergency Assistance ("EA") and EA/Temporary Rental Assistance ("TRA") benefits, granted during the interim pending the client's SSI initial or post-eligibility benefits entitlement. Additionally, N.J.A.C. 10:90-3.18(a)(2)(i) provides that retroactive SSI benefits payments are subject to recoupment so that the assistance provided during the pendency of the SSI benefits matter can be repaid. Furthermore, a contractual agreement between the State of New Jersey and the Social Security Administration ("SSA") ensures that the SSI benefits interim checks are submitted to the appropriate welfare agency for reimbursement of the individual's welfare benefits. Specifically, N.J.A.C. 10:90-14.5(a) provides that "[a] contractual agreement between the [SSA] and the State of New Jersey provides for reimbursement to DFD for assistance granted to individuals while awaiting an initial SSI eligibility determination[.]"

On April 8, 2021, BARA sent letters to the Agency and Petitioner requesting additional information necessary to complete an Administrative Review. On April 15, 2021, the Agency responded, providing the documents comprising the record for this Administrative Review. To date, Petitioner has not responded to BARA's April 8, 2021, request for additional information.



A review of the documents submitted demonstrates that in January, 2021, Petitioner was deemed eligible for SSI benefits, retroactive to August 1, 2019. See Interim Assistance ("IA") Reimbursement Details. Since Petitioner had received public assistance while her SSI matter was pending, the SSA sent Petitioner's lump-sum SSI benefits interim check, in the amount of \$11,207.59, directly to the Agency, so that it could be reimbursed for the assistance it had provided to Petitioner between Petitioner's SSI benefits eligibility date of August 1, 2019, and the month prior to when Petitioner began receiving her first monthly recurring SSI benefits payment, specifically, January, 2021. Ibid.; see also Summary of Interim Assistance Payments. The Agency received the interim check because, on multiple occasions, specifically, on July 24, 2018, September 4, 2018, and October 2, 2019, Petitioner had signed an "Authorization for Reimbursement of Initial Supplemental Security Income (SSI) Payment or Initial SSI Post-eligibility Payment," and an "Agreement to Repay Assistance from Initial SSI Payment." Moreover, on November 16, 2021, Petitioner signed an updated "Notice of Agreement to Repay." See WFNJ/GA-30, WFNJ/GA-10D, and WFNJ/GA-30A forms.

The record further demonstrates that, during the period from September 1, 2019, through January 1, 2021, Petitioner received from the Agency, a total of \$18,220.00 in assistance benefits, including cash assistance in the amount of \$4,699.00, and EA benefits in the amount of \$13,521.00. See Summary of Interim Assistance Payments and GAAS payment history. Since Petitioner had received public assistance in the form of WFNJ/GA cash assistance and EA benefits while her SSI matter was pending, the SSA sent Petitioner's retroactive lump-sum SSI benefits interim payment, in the amount of \$11,207.59, directly to the Agency so that it could be reimbursed for the assistance it had provided to Petitioner between Petitioner's SSI benefits eligibility date of August 1, 2019, through January 1, 2021, after which Petitioner began receiving recurring monthly SSI payments. Ibid.

It should be noted that, had been Petitioner been actually approved for SSI benefits in August, 2019, and not retroactively approved, Petitioner's WFNJ/GA benefits, including any EA benefits, would have immediately ceased in August, 2019, because Petitioner would have become over income for receipt of WFNJ benefits due the amount of her SSI income. See N.J.A.C. 10:90-3.5(b) (stating that "[a]s long as the assistance unit's countable income is less than the applicable benefit level, WFNJ/GA financial eligibility exists. When the countable income equals or exceeds the applicable benefits level [here, \$210], the assistance unit is no longer eligible for WFNJ/GA benefits[.]")

Based upon the foregoing, I find that the Agency's recoupment of Petitioner's \$11,207.59 lump-sum SSI benefits interim check was correct. The documentation in this matter clearly shows that Petitioner received a total of \$18,220.00 in public assistance during the time period that she was seeking SSI benefits eligibility.

Therefore, based upon applicable regulatory authority, and in accordance with documentation signed by Petitioner, on multiple occasions, acknowledging the responsibility to repay the Agency for the total amount of public assistance received after Petitioner was deemed eligible for SSI benefits, I find that the Agency properly recouped the lump-sum SSI benefits interim payment of \$11,207.59, and I hereby AFFIRM that action.

Accordingly, the Agency's action is AFFIRMED.

Officially approved final version.

AUG 10 2021

Natasha Johnson
Assistant Commissioner





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Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 06538-21 T.E.

AGENCY DKT. NO. C238439007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's rescission of Emergency Assistance ("EA") benefits in the form of shelter placement. The Agency rescinded Petitioner's EA benefits, contending that she had failed to show up at the Agency offered shelter placement, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. At 9:00 a.m., on August 6, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing. Petitioner called in to the telephonic hearing at 9:00 a.m., but the Agency did not. The ALJ rescheduled the hearing to 9:30 a.m., 10:00 a.m., and 10:30 a.m., and made several attempts to contact the Agency to attend, but was unsuccessful. Petitioner called in at each rescheduled hearing time, but the Agency did not. As a result, and based on Petitioner's emergent situation, the ALJ placed Petitioner's testimony on the record, resolved the matter, and closed the record on August 6, 2021. See Initial Decision at 2, 5. No documents were admitted into evidence.

On August 9, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, based on Petitioner's credible testimony, and the Agency's failure to attend the hearing to provide any countervailing testimony, the ALJ found that Petitioner had good cause for failing to show up at the shelter placement offered by the Agency on the evening of July 15, 2021. See Initial Decision at 2-3, 5. Specifically, the ALJ found Petitioner credible when she testified that she had planned on going to the shelter on the date and time scheduled, but her transportation had fallen through and she had no other way to get herself, her daughter, and their belongings, to the shelter at that time. *Ibid.* Petitioner further testified that she had procured transportation for the next day and was in route to the shelter when she was advised by the Agency that her shelter benefits had been rescinded for failure to report to the shelter on the evening of July 15, 2021. *Id.* at 3. Based on the foregoing, the ALJ concluded that the Agency's rescission of Petitioner's EA benefits in the form of shelter placement was improper and must be reversed. *Id.* at 5-6; see also N.J.A.C. 10:90-6.1(c). I agree.

Exceptions to the Initial Decision were filed by the Agency on August 9, 2021.



As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, as the record indicates that Petitioner is imminently homeless, the Agency is directed to expedite the housing placement of Petitioner, if it has not done so already. Id. at 3.

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

Officially approved final version.

AUG 12 2021

Natasha Johnson

Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 06219-21 M.H.

AGENCY DKT. NO. S939065009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because Petitioner had been approved for Section 8 housing, and EA benefits were no longer required. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Hearing dates were initially scheduled for August 2, and then August 3, 2021, but these dates were rescheduled due to logistical issues with Petitioner calling in for the proceeding. On August 5, 2021, Petitioner did not call in for the hearing, but the Agency's representative was able to contact Petitioner separately by telephone and a telephone conference was then held with the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), Petitioner and the Agency representatives. During that telephone conference, Petitioner admitted to having signed a lease for Section 8 housing, but stated that he did not want to leave his EA placement, as he asserted that he was entitled to multiple housing vouchers. See Initial Decision at 2. When Petitioner became irate, and the ALJ proposed going on the record to proceed with the hearing, Petitioner hung up and did not call back. The Agency was ready to proceed with the matter, and as Petitioner refused to remain for the hearing, and did not call back to participate in the proceedings, the ALJ found Petitioner's actions tantamount to an abandonment of his request for a fair hearing. *Ibid.* Accordingly, on August 5, 2021, the ALJ issued an Initial Decision, dismissing Petitioner's appeal.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I find that Petitioner abandoned his appeal in this matter and, therefore, I affirm the Agency's EA termination in this matter.

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



Officially approved final version.

AUG 12 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 06615-21 D.P.

AGENCY DKT. NO. C074322015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that his emergency was not due to circumstances beyond his control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 10, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On August 11, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had been living with a girlfriend in her Section 8 housing, off and on, from July 2020, through July 2021, without being on the lease. See Initial Decision at 2. Petitioner's girlfriend asked him to leave her residence at the end of July 2021, and Petitioner is currently homeless. *Id.* at 4. The ALJ found that Petitioner had known that he was not on the lease, and as such, also knew that he was not permitted to reside in said Section 8 housing, yet for more than a year, he had failed to search for alternative housing. *Id.* at 2-5. Further, the ALJ found that Petitioner had not provided any documentation to establish that his emergency was due to circumstances beyond his control, or that he did not have the financial capacity to plan for alternative housing. *Id.* at 4, 7; see also Exhibits R-3, R-4. Of note, the record reflects that, at the time Petitioner applied for EA benefits, the Agency had completed a mental health assessment for Petitioner, and found that Petitioner did not lack the capacity to plan for an emergency. See Initial Decision at 2-3, 5. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 6-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(1)(i). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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.

AUG 17 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 06410-21 G.D.

AGENCY DKT. NO. C112700015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he refused appropriate housing offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 5, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On August 6, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that when Petitioner applied for EA benefits on July 23, 2021, the Agency conducted a mental health assessment. See Initial Decision at 2; see also Exhibits R-2, R-4. In accordance with that assessment, as well as Petitioner's prior mental health history with the Agency, Petitioner was offered a residential healthcare facility placement. See Initial Decision at 2-3; see also Exhibits R-4, R-7, R-8. Petitioner refused such placement, claiming that he did not have any significant mental health issues and that he was able to live independently. See Initial Decision at 4. Consequently, his application for EA benefits was denied. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(1). Of note, in March 2021, Petitioner had appealed an Agency denial of EA benefits on that same basis, and said denial was upheld by this office in a Final Agency Decision dated March 18, 2021. See Initial Decision at 2; see also Exhibits R-5, R-6. Based on the testimony and evidence presented, the ALJ found that the Agency had demonstrated by a preponderance of the evidence that a residential treatment facility was the appropriate placement for Petitioner, and that Petitioner had refused said placement. See Initial Decision at 4-5. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision 5; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.



By way of comment, the record indicates that the Agency is still willing to provide Petitioner with EA benefits in the form of a residential healthcare facility placement. See Initial Decision at 4. Petitioner is advised that should he reapply for EA benefits, and again refuses such placement, a six-month period of ineligibility for EA benefits may be imposed upon him. See N.J.A.C. 10:90-6.1(c)(3).

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

Officially approved final version.

AUG 17 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
Assistant Commissioner

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 04652-21 C.I.

AGENCY DKT. NO. C033974005 (CAPE MAY COUNTY WELFARE BOARD)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP") and the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") program. The Agency asserts that Respondent failed to report a change in household composition while she was receiving SNAP and WFNJ/TANF benefits, thus causing Respondent to receive overissuances of benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalties, via certified mail, return receipt requested, on April 15, 2021. See Exhibit P-1 at 55-56, 57-58, 59-61. Because Respondent failed to execute and return either waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. *Id.* at 45-46, 49-50. The hearing was initially scheduled for June 24, 2021, but one day before the hearing date, Respondent requested an adjournment, because she was out of town and needed additional time to review the Agency's documents. The request was granted, and the matter was rescheduled. On the rescheduled date of August 5, 2021, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed.

On August 9, 2021, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP and WFNJ/TANF benefits to which she was not entitled. See Initial Decision at 4. Specifically, Respondent intentionally did not report that her minor child did not reside with her while she received SNAP and WFNJ/TANF benefits, which resulted in a change of household composition, and an overissuance of SNAP benefits to Respondent in the amount of \$1,569, and an overissuance of WFNJ/TANF benefits in the amount of \$3,400, for the period beginning April, 2020, through November, 2020. *Id.* at 3, 4; see also Exhibits P-1 at 65-67, 68-70, 81-83; and N.J.A.C. 10:87-5.2(a)(1), -9.5, and N.J.A.C. 10:90-3.21(a).



As this was the first IPV committed by Respondent, the ALJ ordered the mandatory regulatory penalties of a 12-month disqualification from receipt of SNAP benefits, pursuant to N.J.A.C. 10:87-11.2(a)(1), and a 6-month disqualification from the WFNJ program, pursuant to N.J.A.C. 10:90-11.11(a)(1). See Initial Decision at 4.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following an independent evaluation of the record, I concur with the ALJ's decision, and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

I direct that the Agency proceed to recoup the overissuances.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondent is disqualified from receipt of SNAP benefits for a period of 12 months, and from receipt of WFNJ benefits for a period of six months. I further ORDER that the Agency is to recoup the overissuances.

Officially approved final version.

AUG 17 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 03610-21 K.A.

AGENCY DKT. NO. S496313012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he violated motel rules, and refused alternate motel placement when offered. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic hearing was initially scheduled for May 25, 2021, but was adjourned to June 4, 2021, to allow Petitioner the opportunity to obtain counsel. On June 4, 2021, the hearing was again adjourned, as the witness for the Agency had fallen ill. On June 15, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 6, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 AFFIRM the Agency's determination, based on the discussion below.

EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, "threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents." See N.J.A.C. 10:90-6.3(c)(3); see also DFD Instruction ("DFDI") No. 21-02-03. However, N.J.A.C. 10:90-6.3(e) provides that an EA benefits recipient shall be eligible for continued EA benefits for other, less severe, minor violations of a facility's policies, such as visitation or curfew. See N.J.A.C. 10:90-6.3(e); see also DFDI No. 08-05-04 at 10. An adult EA benefits recipient who incurs two or more terminations for such less severe violations is subject to the loss of EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(e)(1).

Here, the record indicates that Petitioner had executed an EA service plan ("SP"), wherein he agreed to comply with shelter/motel rules. See Initial Decision at 3-4; see also Exhibit R-16 at 5. The



ALJ found, and the record substantiates, that Petitioner had violated the rules of his second motel placement by fighting with, and harassing, other motel guests, resulting in his termination from the motel placement. See Initial Decision at 3-5, 8; see also Exhibits R-20 through R-23. The record also indicates that Petitioner would specifically harass women by going into their rooms uninvited. See Initial Decision at 3; see also Exhibit R-20. Further, the record indicates that one altercation with a motel guest resulted in police involvement. See Initial Decision at 3, 5; see also Exhibit R-22. Based on the testimony and documentary evidence provided, the ALJ concluded that Petitioner had violated the terms of his SP by violating motel rules, without good cause, and on that basis, affirmed the Agency's termination of Petitioner's EA benefits and imposition of a six-month EA ineligibility penalty. See Initial Decision at 6-9; see also Exhibit R-24, and N.J.A.C. 10:90-6.3(e), -6.6(a).

While I agree with the ALJ's ultimate conclusion, in instances such as this, where violations of motel/shelter rules are at issue, it is the type of violation which is controlling. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e). In this instance, the record indicates that Petitioner's threatening and/or disruptive behaviors, resulted in his termination from his second motel placement, and on that basis, I find that Petitioner is ineligible for EA benefits for a period of six months in accordance with N.J.A.C. 10:90-6.3(c)(3). See Initial Decision at 4-5. Accordingly, I find that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. *Id.* at 5-6; see also DFDI No. 21-02-03. The Initial Decision is modified to reflect this finding with respect to the applicable legal basis in this matter.

Further, the ALJ found that after Petitioner had been terminated from his second motel placement, he had refused the Agency's offer to place him at another motel, without good cause, and on that basis, also concluded that the Agency's termination of Petitioner's EA benefits was also proper and must stand. See Initial Decision at 3, 5, 8-9; see also Exhibit R-24, and N.J.A.C. 10:90-6.3(a)(1). I also agree.

By way of comment, because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version.

AUG 17 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 04801-21 A.E.

AGENCY DKT. NO. C058189017 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits, contending that Petitioner had failed to provide requested documentation necessary for continued eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 28, 2021, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On July 12, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on July 19, 2021.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED, based on the discussion below.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87-1.1(a). Regulatory authority applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits for both adults and children in the household. See N.J.A.C. 10:87-5.5(a)(2). Further, N.J.A.C. 10:87-5.5(a)(2) specifically includes "unemployment compensation" as unearned income, which is to be included when determining a household's SNAP eligibility.

The record in this matter show that Petitioner was approved for SNAP benefits in May 2020. See Initial Decision at 2. The record further reflects that Petitioner submitted an application for renewal of health care under NJ Family Care in March, 2021. *Ibid.*; see also Exhibit R-1 at 7-13. Based on information contained in that application, it appeared that there was household income which was not being included in the household's SNAP eligibility determination, and therefore, in accordance with



regulatory requirements to verify income, the Agency requested proof of the income in question on April 13, 2021, with said proof to be provided within 10 days. See Initial Decision at 3; see also Exhibit R-1 at 14. On May 6, 2021, when the requested proof of income had not been received, the Agency terminated Petitioner's SNAP benefits, effective June 1, 2021. See Exhibit R-1 at 4-5; see also N.J.A.C. 10:87-2.19. Based on the foregoing, the ALJ found that the Agency had acted in accordance with regulatory mandates to verify income, and that, while documentation was later provided by Petitioner, it had not been timely provided, and therefore, the termination of Petitioner's SNAP benefits was proper and must stand. See Initial Decision at 7. I agree.

By way of comment, Petitioner takes exception to questions that were asked by the Agency pertaining to his and his wife's receipt of, and/or application for, Unemployment Insurance Benefits ("UIB"). As noted above, unearned income in the form of UIB is included in SNAP benefits eligibility calculations, and as such, questions regarding UIB receipt status and/or application are appropriate. See N.J.A.C. 10:87-5.5(a)(2).

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

AUG 24 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
Assistant Commissioner

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 04758-21 G.S.

AGENCY DKT. NO. C143250001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's SNAP benefits contending that Petitioner's countable household income exceeded the maximum permissible level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 16, 2021, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On July 29, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby MODIFIED, and the Agency determination is also MODIFIED, based on the discussion below.

Regulatory authority applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits for both adults and children in the household, as well as child support or alimony payments made directly to the household from non-household members. See N.J.A.C. 10:87-5.5(a)(2), (5).

In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. In accordance with N.J.A.C. 10:87-6.16(d)(1), households which contain an elderly or permanently disabled individual, as defined by N.J.A.C. 10:87-2.34, must meet the net income test for SNAP eligibility. N.J.A.C. 10:87-6.16(d)(2), states that households that do not contain an elderly or permanently disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4.



Gross income is determined by adding together the household's monthly earned and unearned income, minus any earned income exclusions. See N.J.A.C. 10:87-6.16(b), (b)(1). That total gross income amount is then utilized to determine a household's SNAP eligibility in accordance with N.J.A.C. 10:87-6.16(d)(1) and (2).

N.J.A.C. 10:87-6.16(b) further outlines the procedures used to calculate both gross and net income for SNAP benefits purposes, and the applicable benefit levels, if eligible. The regulation provides that the applicant's monthly net income is determined by adding together all earned and unearned income, then subtracting all income exclusions. Then, the standard deduction, based upon the size of the household, is subtracted from the income.

Thereafter, the household is evaluated to determine if a medical deduction is appropriate, which is if the household has medical expenses that exceed \$35.00. If the household is entitled to a medical deduction, then the amount in excess of \$35.00 is subtracted from the applicant's income. Then, the applicant is evaluated for an excess shelter deduction. Such a deduction is permitted when the individual's shelter costs exceed 50% of their net income. If this deduction is allowable, then the difference between the shelter costs and the 50% net income, or up to the maximum allowable amount, is subtracted from the individual's income. The remaining figure is Petitioner's net income for SNAP benefits purposes. This net income is then compared against the maximum allowable net income amount for the household's size, as outlined at N.J.A.C. 10:87-12.3, to determine eligibility. If eligible, the household's monthly SNAP allotment shall be equal to the maximum food stamp allotment for the household's size, reduced by 30 percent of the household's net monthly income. See N.J.A.C. 10:87-12.6(a)(1).

Here, an independent review of the record reflects that Petitioner's SNAP household is comprised of Petitioner and her child, who receives Supplemental Security Income ("SSI") benefits. See Initial Decision at 2; see also Exhibit R-1 at 2. As Petitioner's household includes someone who is considered permanently disabled, due to the child's receipt of SSI benefits, Petitioner must meet only the net income test for SNAP eligibility. *Ibid.*; see also N.J.A.C. 10:87-2.34(a)(2) and N.J.A.C. 10:87-6.16(b)(1). While the Agency's adverse action notice, entered into the record in this case, states that Petitioner's was denied SNAP benefits for being over the maximum gross income level, case notes entered into the record, dated May 4, 2021, reflect that the Agency had discovered that the SSI had not been coded properly in the eligibility calculations, and that, after proper adjustment, Petitioner was ineligible for SNAP benefits as being over the maximum net income level, rather than the gross income level. See Exhibit R-1 at 1-3, 15.

A further review of the record shows that Petitioner had monthly earned income in the amount of \$3,201. See Initial Decision at 4; see also Exhibit R-1 at 2. 80 percent of the earned income is \$2,560.80, which is then added to the household's unearned income, comprised of Petitioner's child's monthly SSI benefits of \$632, bringing the household's income to \$3,192.80. See N.J.A.C. 10:87-6.16(b)(2), (3). After subtracting the standard deduction of \$167 for a household of two persons, Petitioner's household income is reduced to \$3,025.80. See N.J.A.C. 10:87-6.16(b)(4); see also DFDI Instruction ("DFDI") 20-09-04 at 11. Next is to determine if Petitioner receives a shelter deduction and if so, how much. Petitioner's shelter costs are \$2,152, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which total \$2,700. See N.J.A.C. 10:87-6.16(b)(8); see also DFDI 20-09-04 at 11. Subtracted from that amount is 50% of Petitioner's income after the above deductions, or half of \$3,025.80, which is \$1,512.90, (\$2,700 - \$1,512.90), resulting in an excess shelter deduction of \$1,187.10. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions ((\$3,192.80 - \$167) - \$1,187.10), resulting in a net monthly SNAP income of \$1,838.70. See N.J.A.C. 10:87-6.16(b)(9). For SNAP benefits eligibility, the maximum net income level for a household of two persons is \$1,437. See DFDI 20-09-04 at 12. As Petitioner's calculated net income of \$1,838.70 exceeds the maximum net income eligibility amount of \$1,437, Petitioner is not



eligible for SNAP benefits. Ibid. The Initial Decision and the Agency's March 18, 2021, adverse action notice, are hereby modified to reflect the above analysis and findings.

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

Officially approved final version.

AUG 24 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 03616-21 K.K.

AGENCY DKT. NO. S600908012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the Respondent Agency's calculation of Petitioner's household's monthly income, which resulted in the denial of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification, due to household income exceeding the maximum permissible income level for receipt of SNAP benefits. Petitioner contends that the Agency, during its recertification of her eligibility for SNAP benefits, should have used the adjusted gross income listed on the 1040 Individual Income Tax return, instead of the gross income listed on the two Form 1040 Schedule C Profit or Loss from Business Statements ("Schedule C"), which would have resulted in Petitioner's continued eligibility for SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 25, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents into evidence, and the record closed on that date. On June 1, 2021, the record was reopened to receive an additional document from the Agency, and upon receipt of same, the record also closed on that date.

On June 7, 2021, the ALJ issued an Initial Decision, affirming the Agency's calculation of Petitioner's household income, and the Agency's resultant denial of Petitioner's SNAP benefits, at recertification. Here, the record reflects that, on November 11, 2020, Petitioner and J.T., Petitioner's spouse, submitted a recertification application for SNAP benefits, and reported that J.T. is self-employed. See Initial Decision at 2; see also Exhibit R-1 at 2-8, and R-4 at 16. Petitioner and J.T. included a copy of their joint 2020 1040 Income Tax return, which also included two Schedule C forms. See Initial Decision at 2; see also Exhibit R-4 at 1-15. Thereafter, the Agency, using the figures from Line 1 of the two Schedule C forms, "Gross receipts and sales," and utilizing a standard self-employment deduction of 51% for a self-employed household, determined that Petitioner's total monthly household income, from self-employment, totaled \$6,648 ($\$151,412 + \$6,977 = \$158,389$; $\$158,389 \times .51 = \$80,778.39$; $\$158,389 - \$80,778.39 = \$77,610.61$; $\$77,610.61 / 12 \text{ months} = \$6,468/\text{month}$). See Initial Decision at 3; see also Exhibits R-3, R-4, and N.J.A.C. 10:87-7.3, and Division of Family Development ("DFD") Instruction ("DFDI") Number 13-12-01.



Next, after determining Petitioner's monthly household income, and because J.T. is not eligible for benefits as an ineligible alien member of the household, he was removed from the household, for the purpose of determining the household income for SNAP purposes. See Initial Decision at 6; see also N.J.A.C. 10:87-7.14, and DFDI 02-06-08. Accordingly, the Agency multiplied Petitioner's monthly gross income by 3/4, which resulted in a monthly gross income of \$4,851. See Initial Decision at 3-4; see also DFDI 02-06-08. Effective October 1, 2020, the maximum allowable monthly income amount for a household of three is \$3,349. See Initial Decision at 4; see also DFDI20-09-04. Since Petitioner's monthly household income of \$4,851, exceeded the maximum allowable limit for continued receipt of SNAP benefits, on February 25, 2021, the Agency denied Petitioner SNAP benefits, at recertification. See Initial Decision at 7; see also Exhibit R-6 at 2, and N.J.A.C. 10:87-6.16. I agree. Additionally, based on the record presented, the ALJ also affirmed the Agency's calculation of Petitioner's monthly household income. I also agree.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, DFD, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Findings of Fact and Conclusion of Law.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and the Agency determination is AFFIRMED.

AUG 24 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
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NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 05902-21 N.R.

AGENCY DKT. NO. C125245008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's SNAP benefits contending that Petitioner's countable household income exceeded the maximum permissible level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 6, 2021, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On August 9, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby ADOPTED, and the Agency determination is AFFIRMED, based on the discussion below.

Regulatory authority applicable to SNAP benefits cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3.

In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. In accordance with N.J.A.C. 10:87-6.16(d)(1), households which contain an elderly or permanently disabled individual, as defined by N.J.A.C. 10:87-2.34, must meet the net income test for SNAP eligibility. N.J.A.C. 10:87-6.16(d)(2), states that households that do not contain an elderly or permanently disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4.

Gross income is determined by adding together the household's monthly earned and unearned income, minus any earned income exclusions. See N.J.A.C. 10:87-6.16(b), (b)(1). That total gross income



amount is then utilized to determine a household's SNAP eligibility in accordance with N.J.A.C. 10:87-6.16(d)(1) and (2).

Here, the record reflects that Petitioner's SNAP household is comprised solely of Petitioner. See Initial Decision at 2. The record further shows that Petitioner has earned income in the amount of \$1,000 biweekly, or \$2,167 monthly, after applying the appropriate multiplier of 2.167 to convert biweekly income to monthly income. *Ibid.*; see also N.J.A.C. 10:87-6.9(d)(1). There is no indication in the record that Petitioner is either handicapped, disabled or elderly, and as such, Petitioner must meet the both the gross and net income tests for SNAP benefits eligibility. See N.J.A.C. 10:87-2.34(a)(1), (2), and N.J.A.C. 10:87-6.16(d)(1), (2). As there is no indication in the record that Petitioner receives any source of unearned income, Petitioner's household gross income is \$2,167. See Initial Decision at 3; see also N.J.A.C. 10:87-6.9(d)(1). The maximum allowable gross income amount for SNAP benefits eligibility, for a household of one person, is \$1,968, and as Petitioner's gross income is over that threshold amount, Petitioner is ineligible for SNAP benefits. See Initial Decision at 3; see also Exhibit R-1 at 21, 23-24, 35. Based on the foregoing, the ALJ found that the Agency properly denied Petitioner SNAP benefits, based on excess income over the maximum permissible level. See Initial Decision at 5. Following an independent review of the record, I agree. Additionally, it should be noted that, if the gross income test is not met in cases such as this, where there is no elderly or permanently disabled household member, in accordance with applicable regulatory authority, calculation of the household's net income, and application of household expenses in the eligibility calculation, is unnecessary. Therefore, Petitioner's assertions that the Agency's failure to apply household expenses, such as shelter and utility expenses, was unfair, is misplaced. See Initial Decision at 3, 4.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

AUG 24 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

SARAH ADELMAN
Acting Commissioner

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NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 05428-21 L.A.

AGENCY DKT. NO. S456345014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency denied Petitioner SNAP benefits at recertification, contending that Petitioner's countable household income exceeded the maximum permissible level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 3, 2021, the Honorable William T. Cooper, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On August 10, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED, based on the discussion below.

Regulatory authority applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits for both adults and children in the household. See N.J.A.C. 10:87-5.5(a)(2).

In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. In accordance with N.J.A.C. 10:87-6.16(b)(1), households which contain an elderly or permanently disabled individual, as defined by N.J.A.C. 10:87-2.34, must meet the net income test only for SNAP eligibility. N.J.A.C. 10:87-6.16(d)(2), states that households that do not contain an elderly or permanently disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4.



N.J.A.C. 10:87-6.16(b) further outlines the procedures used to calculate both gross and net income for SNAP benefits purposes, and the applicable benefit levels, if eligible. The regulation provides that the applicant's monthly net income is determined by adding together all earned and unearned income, then subtracting all income exclusions. Then, the standard deduction, based upon the size of the household, is subtracted from the income.

Thereafter, the household is evaluated to determine if a medical deduction is appropriate, which is if the household has medical expenses that exceed \$35.00. If the household is entitled to a medical deduction, then the amount in excess of \$35.00 is subtracted from the applicant's income. Then, the applicant is evaluated for an excess shelter deduction. Such a deduction is permitted when the individual's shelter costs exceed 50% of their net income. If this deduction is allowable, then the difference between the shelter costs and the 50% net income, or up to the maximum allowable amount, is subtracted from the individual's income. The remaining figure is Petitioner's net income for SNAP benefits purposes. This net income is then compared against the maximum allowable net income amount for the household's size, as outlined at N.J.A.C. 10:87-12.3, to determine eligibility. If eligible, the household's monthly SNAP allotment shall be equal to the maximum food stamp allotment for the household's size, reduced by 30 percent of the household's net monthly income. See N.J.A.C. 10:87-12.6(a)(1).

Here, an independent review of the record reflects that Petitioner's SNAP household is comprised of Petitioner, and her boyfriend, S.K., and that Petitioner is sixty-four years old. See Initial Decision at 2; see also Exhibit R-1 at 1. Based upon Petitioner's age, Petitioner is considered elderly for SNAP purposes and the household must meet only the net income test for SNAP eligibility. *Ibid.*; see also N.J.A.C. 10:87-2.34(a)(1) and N.J.A.C. 10:87-6.16(b)(1). The record further shows that, at the time of recertification, Petitioner was receiving monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits in the amount of \$1,089.00, and S.K. receives monthly RSDI benefits in the amount of \$1,555.00, as well as monthly Unemployment Insurance Benefits ("UIB") of \$996.59, for a total household unearned income of \$3,640.59. See Initial Decision at 3; see also Exhibit R-1 at 17, 18, 21-24. The household has no earned income. See N.J.A.C. 10:87-6.16(b)(2),(3). After subtracting the standard deduction of \$167 for a household of two, the household's income is reduced to \$3,473.59. See N.J.A.C. 10:87-6.16(b)(4); see also DFDI Instruction ("DFDI") 20-09-04 at 11. Next, is to determine if Petitioner receives a shelter deduction and if so, how much. The record reflects that Petitioner's shelter costs total \$1523. See Exhibit R-1 at 36; see also N.J.A.C. 10:87-6.16(b)(8). Subtracted from that amount is 50% of Petitioner's income after the above deductions, or half of \$3,473.59, which is \$1,736.79, (\$1,523 - \$1,736.79), which results in a negative number and therefore, no excess shelter deduction is applied. See N.J.A.C. 10:87-6.16(b)(8). As such, the household's net monthly SNAP income is \$3,473.59. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit R-1 at 36. For SNAP benefits eligibility, the maximum net income level for a household of two persons is \$1,437. See DFDI 20-09-04 at 12. As Petitioner's calculated net income of \$3,473.59 exceeds the maximum income eligibility amount of \$1,437, Petitioner's household is not eligible for SNAP benefits. *Ibid.* Additionally, the record further reflects that Petitioner had resources totaling \$6,163.46, which exceed the permissible resource limit of \$3,500, thereby also precluding Petitioner's household from SNAP benefits eligibility. See Exhibit R-1 at 36, 39-40; see also DFDI 20-09-04 at 13, and N.J.A.C. 10:87-4.11(a). Based on the foregoing, I agree with the ALJ's final conclusion in this matter that the Agency's denial of SNAP benefits to Petitioner, at recertification, was proper and must be affirmed. See Initial Decision at 4-5.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED, as outlined above.



Officially approved final version.

AUG 24 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 17547-19 M.N.

AGENCY DKT. NO. C202430007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA/TRA benefits, contending that his apartment was over the Fair Market Rent ("FMR") for Essex County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 9, 2020, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. During the January 9, 2020, hearing, Petitioner stated that he was seeking retroactive EA benefits, as well as prospective EA benefits. Testimony was given and documents were received regarding the EA issue. On the next hearing dates of January 21, 2020, and March 5, 2020, additional documents and further testimony was taken regarding the EA issue. During the March 5, 2020, hearing, the ALJ advised that the matter cannot proceed further until the Landlord-Tenant judge ruled on the propriety of the rental increase, or until the parties reached an agreement settling the rent issue. Thereafter, the hearing was rescheduled to May 14, 2020. Petitioner then requested an earlier hearing date, which was granted. The hearing date was then rescheduled to March 30, 2020, and then to April 13, 2020, after Petitioner requested to change hearing date again. The April 13, 2020, hearing did not take place due to the COVID-19 pandemic, and was rescheduled to May 14, 2020. The hearing did not take place on the rescheduled date of May 14, 2020, due to Petitioner's religious observance. On July 31, 2020, the ALJ contact the parties, reiterating the position that the matter cannot proceed until the rent issue was resolved by the Landlord-Tenant Court's decision, or by the parties' agreement. On May 3, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on June 25, 2021.

As Assistant Commissioner, 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.



N.J.A.C. 10:90-6.3(a)(7) states, in pertinent part, "The Agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current Fair Market Rent ("FMR") [.] Amounts in excess of the current FMR will require prior approval and authorization of subsidy level by DFD[.]"

Here, the record reflects that the Agency denied Petitioner EA/TRA benefits because his monthly rent of \$1,350, not including gas and electric, was over the FMR of \$1,218 for a one-bedroom apartment in Essex County. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(7)(i)(1). In October, 2019, Petitioner's apartment building was sold to new owners, and his rent increased from \$900 per month, to \$1,350 per month. See Exhibits P-4, R-3. Petitioner argues that the increase in rent violated Newark's Rent Control Ordinance, and therefore, should not have been imposed by the landlord. See Initial Decision at 2; see also Exhibit P-13. On or around November 15, 2019, Petitioner's landlord filed an action in the Superior Court of New Jersey, Essex County, Special Civil Part, Landlord-Tenant Section, to have Petitioner evicted for non-payment of rent. See Initial Decision at 3; see also Exhibit P-3.

On August 4, 2020, Petitioner stated that the matter filed in Landlord-Tenant Court had been settled, and that the parties agreed to a monthly rent of \$900. Ibid. On August 6, 2020, and again, on August 12, 2020, Petitioner was asked to provide a copy of the Settlement Agreement, and on both occasions, Petitioner failed to provide a copy of the purported Settlement Agreement. Ibid.

The ALJ found that, without the Settlement Agreement, the accuracy of Petitioner's statement, that he and the landlord reached an agreement on the amount of monthly rent being \$900, cannot be verified. See Initial Decision at 5. The ALJ further found that, by refusing to submit the Settlement Agreement purportedly reached between Petitioner and the landlord, Petitioner has not offered sufficient proof that the rent in question is \$900. Ibid.

Based on the foregoing, the ALJ concluded that the Agency correctly ascertained, from the information available to it, that Petitioner's monthly rent was \$1,350, and that this amount exceeded the FMR of \$1,218, for a one-bedroom apartment in Essex County. Id. at 6; see also N.J.A.C. 10:90-6.3(a)(7)(i)(1). The ALJ further concluded that the Agency's denial of EA/TRA benefits to Petitioner was proper and must stand. Id. at 7; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(7)(i)(1). I agree.

By way of 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 determination is AFFIRMED.

Officially approved final version.

AUG 26 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 05028-21 E.B.

AGENCY DKT. NO. C084545003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner Agency charges Respondents, E.B. and C.L., with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), and the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") program. The Agency asserts that Respondents intentionally failed to report receipt of household earned income, while they received SNAP and WFNJ/TANF benefits, causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalties, via certified mail, return receipt requested, on April 29, 2021. See Initial Decision at 2. Because Respondents failed to execute and return either waiver of their right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. On June 23, 2021, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Respondents did not appear for the hearing, and the matter proceeded ex parte, which is permissible pursuant to our regulatory scheme. See N.J.A.C. 1:10-14.1(d). Respondents were given ten days to present good cause for their failure to appear. Respondents did not respond. Petitioner was given time to forward documents to the tribunal, which were received on June 29, 2021. The record was held open for an additional five days, to ascertain if Respondents would make any filing. Respondents did not, and the record then closed on July 9, 2021.

On July 29, 2021, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondents had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP and WFNJ/TANF benefits, to which they were not entitled. See Initial Decision at 11, 13. Here, Respondents intentionally did not report the receipt of earned income, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$2,944, for the periods of May, 2014, through July, 2014; September, 2014, through February, 2015, and April, 2015, through June, 2015, and an overissuance of \$5,207 in WFNJ/TANF benefits, for the periods of May, 2014, through June, 2014, and September, 2014, through July, 2015. *Id.* at 2, 11; see also Exhibits 5, 6, 7, 8, 9, 10; and N.J.A.C.



10:87-5.4(a)(1), (2), -9.5, and N.J.A.C. 10:90-3.9(c), -3.21(a)(1). The sum of the SNAP and WFNJ/TANF overissuances total \$8,151 (\$2,944 + \$5,207). See Initial Decision at 6; see also Exhibit 9.

As this was the first IPV committed by Respondents, the ALJ ordered the mandatory regulatory penalties of a 12-month disqualification from receipt of SNAP benefits, pursuant to N.J.A.C. 10:87-11.2(a)(1), and a 6-month disqualification from the WFNJ program, pursuant to N.J.A.C. 10:90-11.11(a)(1). See Initial Decision at 14.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following an independent evaluation of the record, I concur with the ALJ's decision, and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

I direct that the Agency proceed to recoup the overissuances.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondents are disqualified from receipt of SNAP benefits for a period of 12 months, and from receipt of WFNJ benefits for a period of six months. I further ORDER that the Agency is to recoup the overissuances.

Officially approved final version.

AUG 26 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
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SARAH ADELMAN
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 00219-21 S.A.

AGENCY DKT. NO. C084029012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency asserts that Petitioner's household received SNAP and WFNJ/TANF benefits to which it was not entitled, resulting in overissuances of benefits which must be recouped. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The matter was initially scheduled for a telephonic plenary hearing on February 16, 2021, but was adjourned at Petitioner's request, to allow Petitioner, who spoke Arabic, and did not speak English, to obtain an attorney. On the second hearing date of April 16, 2021, Petitioner advised that he had communicated with an attorney, and the attorney required more time to evaluate the case. Based upon this representation, the hearing was rescheduled to May 11, 2021. On that date, the hearing was adjourned again because the interpreter was ill. However, because Petitioner was not represented by counsel, and in order to ensure that he understood the issues and exhibits, and to facilitate an efficient hearing, Respondent was asked to provide to Petitioner, a written summary of the basis for its determination. Respondent provided the statement in English and in Arabic. At the next hearing date of June 8, 2021, the Honorable David M. Fritch, Administrative Law Judge presided over the hearing, as the Honorable Judith Lieberman, Administrative Law Judge, ("ALJ"), was unavailable, due to an emergency. Judge Fritch presided over the hearing, but Petitioner was unable to continue through the end of the hearing. Accordingly, the hearing was adjourned to July 13, 2021. On that hearing date, ALJ Lieberman took testimony from both parties during the telephonic plenary hearing. After 45 minutes, Petitioner stopped communicating. Petitioner was asked to participate several times, and the telephone conference call function was utilized to determine that Petitioner was no longer connected to the conference call. After the Respondent continued to present and complete its case, another effort was made to confirm whether Petitioner was available. Petitioner replied and stated that he had remained on the conference call line during the entire hearing. Petitioner claimed that the interpreter was translating using the Egyptian language, not Arabic, after which, Petitioner addressed the ALJ in English. After a voir dire concerning Petitioner's ability to understand English, it was determined that he was able to do so. Petitioner confirmed that he understood the questions and statements made by the ALJ, and that he understood statements made by others participating in the hearing. Both parties



provided full testimony, and responded to questions, and the record then closed that day. On July 26, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

In the instance of an overpayment of SNAP benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. A type of overpayment which is subject to recoupment is one which results from "a misunderstanding or unintended error on the part of the household receiving benefits, called an "Inadvertent Household Error" ("IHE"). See N.J.A.C. 10:87-11.20(e)(2).

Similarly, under the WFNJ regulations, a recipient is required to satisfy any repayment obligation pursuant to state or Federal law governing public assistance. See N.J.A.C. 10:90-2.2(a)(7). An overpayment of WFNJ benefits, including Emergency Assistance benefits, is subject to recoupment, "regardless of fault, including overpayments caused by administrative action or inaction[.]" See N.J.A.C. 10:90-3.21(a)(1).

Here, the record reflects that on July 12, 2013, Petitioner and his spouse, D.S., applied for WFNJ/TANF and SNAP benefits. See Initial Decision at 2; see also Exhibit R-14. Petitioner and D.S. reported no earned income. *Id.* at 2-3; see also Exhibit R-14 at 7. In May, 2014, and November, 2014, Petitioner and D.S. signed, respectively, a redetermination application for WFNJ/TANF and SNAP benefits, and an Interim Reporting Form ("IRF"), and on both occasions, reported no household earned income. See Initial Decision at 4; see also Exhibits R-7, R-8. On May 13, 2015, Petitioner and D.S. signed another redetermination application for WFNJ/TANF and SNAP benefits, and reported that Petitioner had been employed since 2014. See Initial Decision at 4; see also Exhibits R-5, R-6. Based upon the May 13, 2015, redetermination application, and Petitioner's 2014 Income Tax return, included with the redetermination application, the Agency determined that since January, 2014, Petitioner and D.S.'s net monthly household earned income totaled \$988. See Initial Decision at 4; see also Exhibits R-5, R-15.

The ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner had received an overissuance of WFNJ/TANF and SNAP benefits to which he was not entitled. See Initial Decision at 6, 8. Specifically, the ALJ found that Petitioner failed to report earned income, and as a result, received an overissuance of SNAP benefits in the amount of \$7,464, and an overissuance of WFNJ/TANF benefits in the amount of \$3,218, for the period beginning June, 2014, through June, 2015, which must be repaid. See Initial Decision at 5, 6, 8; see also Exhibit R-3, and N.J.A.C. 10:87-5.4(a)(1), and N.J.A.C. 10:90-3.9(c). I agree.

Based on the foregoing, I ORDER and direct the Agency to proceed to recoup the overissuances.

By way of comment, the record indicates that D.S. is currently repaying the SNAP overissuance by way of an allotment reduction. See Initial Decision at 5. Additionally, D.S. is repaying the WFNJ/TANF overissuance by way of restitution. *Ibid.* The Respondent Agency initiated this action against Petitioner because he and D.S. are jointly responsible for the overpayments. See N.J.A.C. 10:87-11.20(d)(1).

By way of further comment, in accordance with applicable regulatory authority, in cases involving SNAP benefits, a fair hearing, Initial Decision, and Final Decision are all to be completed within 60 days from the receipt of an individual's request for a fair hearing. See 7 C.F.R. § 273.15(c)(1). Additionally, it should be noted that only one adjournment of no more than 30 days is permitted in SNAP cases. See N.J.A.C. 1:10-9.1(a), (b), N.J.A.C. 10:87-8.6(a)(4)(i) and 7 C.F.R. 273.15(c)(4).



Accordingly, the Initial Decision is hereby ADOPTED, and the Agency determination is AFFIRMED, as outlined above.

Officially approved final version.

AUG 26 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

PO BOX 716
TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 05415-21 S.D.

AGENCY DKT. NO. C074074009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the reduction of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending there were no eligible children in the household, and reduced Petitioner's SNAP benefits due to the purported change in household composition. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 15, 2021, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 15, 2021, the ALJ issued an Initial Decision, reversing the Agency's determinations.

Here, the record reflects that Petitioner has custody of her six grandchildren, all of whom reside with her in Section 8 housing. See Initial Decision at 2. Petitioner testified that her estranged daughter does not reside with her. *Ibid.* Petitioner does not know her estranged daughter's whereabouts, yet the estranged daughter has been using Petitioner's address, despite not residing there, to obtain unemployment and welfare benefits. *Ibid.* At the hearing, the Agency representative confirmed that the documents presented by Petitioner, including the lease for Petitioner's Section 8 housing, supported Petitioner's assertion that only Petitioner and the six grandchildren resided at the home. *Ibid.* Furthermore, the Agency acknowledged that Petitioner would continue to be eligible for WFNJ/TANF and SNAP benefits, but for the information received about the estranged daughter residing with Petitioner. *Ibid.* Finding Petitioner's testimony credible, the ALJ found that Petitioner is entitled to continued WFNJ/TANF and SNAP benefits, effective from April, 2021, and reversed the Agency's determinations and directed the Agency to reopen Petitioner's case accordingly. *Ibid.* I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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



Officially approved final version.

AUG 26 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

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DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 21-041346 J.D.

AGENCY DKT. NO. R1866319 (COMMUNITY CHILD CARE SOLUTIONS)

On July 13, 2021, the Bureau of Administrative Review and Appeals ("BARA") received Petitioner's request for an Administrative Review. Petitioner appeals the June 25, 2021, decision of the Respondent Agency ("Agency"), terminating her New Jersey Cares for Kids/Child Care Assistance Program ("NJCK/CCAP") child care subsidy, at redetermination, because Petitioner failed to demonstrate full-time work activity.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed this matter and AFFIRM the Agency's termination of Petitioner's child care subsidy.

It is well-established that parents receiving subsidized child care services are in need of child care services in order to remain employed, accept full-time employment or to attend full-time educational and/or work/training programs. See N.J.A.C. 10:15-5.2(b), -5.3(a). Full-time employment, for child care eligibility during a redetermination, means employment that totals 25 or more hours per week, for the applicant. See Child Care Operations Manual, III, General Provisions, (c) "Definitions"; see also N.J.A.C. 10:15-1.2, and DFD Instruction ("DFDI") 10-01-04.

For child care purposes, self-employment income is earned income, received directly from one's own business, trade, or profession, instead of receiving a specified wage from an employer. See DFDI 16-12-01. In instances where the applicant is self-employed, the applicant must file a Schedule C with their IRS 1040 Income Tax form, and the Agency is required to utilize a standard deduction of 51%, in order to calculate the applicant's income and hours worked each week. Ibid. When broken down, the income/profit reflected on line 7 of the Schedule C, must be equal to, or greater than, the hourly Federal minimum wage. Ibid. Income and wages are calculated as follows:

- a. A standard calculation deduction method is used by multiplying the gross income (noted on line 7 of IRS Schedule C (Form 1040)), by 51 percent to determine the amount of the deduction.
- b. Next, the gross income (noted on line 7 of IRS Schedule C (Form 1040)), is reduced by the amount of the deduction as calculated above to come up with the adjusted annual income.



c. Further, the adjusted annual income, as determined in (b), is divided by 52 weeks, to determine the adjusted weekly income amount.

d. Then, the adjusted weekly income amount will be divided by the minimum required hours to determine the hourly wage.

e. Finally, the adjusted hour wage is compared to the Federal minimum wage to determine the number of hours worked per week. The Federal minimum wage can be found on the Federal Department of Labor website.

On July 27, 2021, BARA sent letters to Petitioner and the Agency, requesting additional information necessary to complete an Administrative Review. Petitioner provided documentation with her July 13, 2021, request for an Administrative Review. Petitioner provided additional documentation on August 5, 2021, in response to BARA's request for same. Thereafter, on August 16, 2021, in response to BARA's request, the Agency provided documents. Petitioner's documents, provided on July 13, 2021, and August 5, 2021, and the Agency's documents, provided on August 16, 2021, comprise the record for this Administrative Review.

Here, the documents establish that on June 24, 2021, Petitioner completed an application for a redetermination of eligibility for the NJCK/CCAP subsidy. Petitioner had indicated in her redetermination application that she was self-employed. In support of Petitioner's application, she provided copies of her Federal income tax returns, including a Schedule C form. After completing the required calculations for a self-employed applicant using the submitted Schedule C form, the Agency determined that that the number of hours Petitioner worked fell below the required 25 hours or more per week to be eligible for the child care subsidy, at redetermination. See N.J.A.C. 10:15-1.2, and DFDI 10-01-04. Accordingly, by notification dated June 25, 2021, the Agency terminated Petitioner's child care subsidy.

Based upon the above, the Agency calculated Petitioner's self-employment income by utilizing the gross receipts listed on line 7 of the Schedule C, or \$15,360. The Agency then took the gross income, and multiplied that amount by the standard deduction, $\$15,360 \times .51 = \$7,833.60$. The Agency subtracted this deduction from Petitioner's gross self-employment income to calculate her adjusted, yearly income, $\$15,360 - \$7,833.60 = \$7,526.40$.

Next, Petitioner's adjusted annual income was divided by 52 weeks so the Agency could calculate her adjusted weekly income, $\$7526.40 / 52 = \144.74 . This amount was then divided by the minimum amount of hours required for a redetermination application, or 25, $(\$144.74 / 25)$ to equal \$5.79 per her hour. This amount is below the Federal minimum wage of \$7.25, and as such, the Agency determined, at the time of Petitioner's redetermination of eligibility for the child care subsidy, she did not work at least 25 hours per week through her self-employment to qualify for the child care subsidy. See DFDI 16-12-01.

In her letter of appeal to BARA, Petitioner included a July 2, 2021, letter from her manager at her place of employment, which the Agency did not consider in its redetermination and June 25, 2021, decision of her eligibility for the NJCK/CCAP child care subsidy. However, as the document was not submitted to the Agency prior to its decision to terminate Petitioner's child care subsidy, it is beyond the scope of this Administrative Review, and cannot be considered. Petitioner is without prejudice to submit that letter to the Agency for its consideration.

Based upon the facts in the record, I hereby AFFIRM the Agency's decision to terminate Petitioner's child care subsidy, on redetermination, as Petitioner did not meet the minimum 25 hours per week requirement.



If Petitioner is currently working 25 or more hours a week and still requires child care, she may reapply for the child care subsidy with a new application. Petitioner is advised that she must meet all financial and other eligibility criteria.

Accordingly, the Agency's decision in this matter is hereby AFFIRMED.

Officially approved final version.

AUG 26 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

SARAH ADELMAN
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NATASHA JOHNSON
Assistant Commissioner

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 06276-21 D.M.

AGENCY DKT. NO. C077876018 (SOMERSET 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. Petitioner's WFNJ/TANF benefits were terminated due to the household's increase in unearned income over the maximum allowable benefit level, and Petitioner's EA benefits were terminated because Petitioner was no longer a WFNJ, nor a Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 24, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 27, 2021, the ALJ issued an Initial Decision, affirming the Agency's terminations of Petitioner's WFNJ/TANF and EA benefits.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 terminations of Petitioner's WFNJ/TANF and EA benefits, based on the discussion below.

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 AU's total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, if applicable) is less than the maximum benefit payment level allowable for the size of the assistance unit, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of two, such as Petitioner's, the maximum allowable benefit level is \$425. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

In accordance with N.J.A.C. 10:90-3.9(b), (e), unearned income in form of Retirement, Survivors and Disability Insurance ("RSDI") is countable towards WFNJ eligibility.

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 receives recurring monthly RSDI benefits in the amount \$1,028. See Initial Decision at 2; see also Exhibit R-1 at 2. As Petitioner's monthly unearned income from RSDI benefits exceeds the maximum permissible benefit level of \$425, by notice dated May 5, 2021, the Agency advised Petitioner that she was no longer eligible for WFNJ/TANF benefits. See Initial Decision at 2; see also Exhibit R-1 at 19, N.J.A.C. 10:90-3.3(b), -3.8(h), and DFD IT 19-21. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 3. I agree. The ALJ also concluded that, because Petitioner was no longer a WFNJ/TANF benefits recipient, nor an SSI benefits recipient, the Agency's termination of Petitioner's EA benefits was also proper and must stand. Ibid.; see also N.J.A.C. 10:90-6.2(a) and Exhibit R-1 at 6. I also agree.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's terminations of Petitioner's WFNJ/TANF and EA benefits are AFFIRMED, as outlined above.

Officially approved final version.

AUG 3 1 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

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SARAH ADELMAN
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 05137-21 Z.E.

AGENCY DKT. NO. C173034015 (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") benefits and the denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that she had failed to provide income verifications as requested. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 16, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 26, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner had failed to timely provide the Agency with the income verification documentation that it had requested. See Initial Decision at 2-3, 5; see also Exhibit R-2. However, the ALJ found that Petitioner had good cause for failing to do so. See Initial Decision at 6-7. Specifically, the ALJ found Petitioner credible when she testified that she could not get the information requested to the Agency by the date it had specified, because at that time she had been dealing with her son's mental health issues, which required hospitalization, while at the same time dealing with domestic violence, which resulted in her extreme hardship and inability to comply. *Id.* at 3-5; see also Exhibits R-6, R-7. The ALJ also found that the Agency had not given Petitioner sufficient time to respond to its request prior to its termination of Petitioner's WFNJ/TANF benefits on May 14, 2021, and moreover, found that there was no regulatory authority dictating the ten day response time requirement given by the Agency for the submission of such documentation. See Initial Decision at 6-7; see also Exhibits R-2, R-4, and N.J.A.C. 10:90-1.6(f), -2.2(a)(5). Of note, it appears from the record that Petitioner had resumed employment in May 2021. See Initial Decision at 2-3; see also Exhibits R-9, R-12. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was improper, and ordered the Agency to provide Petitioner with said benefits for the period beginning June 1, 2021, and ending June 30, 2021. See Initial Decision at 6-7; see also Exhibit R-4, and N.J.A.C. 10:90-3.8(b). I agree.

Exceptions to the Initial Decision were filed by the Agency on August 4, 2021.



As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, the transmittal in this matter indicates that Petitioner also appealed a denial of SNAP benefits. However, the ALJ found that the Agency has since approved Petitioner for SNAP benefits, and as such, did not address that issue in the Initial Decision. See Initial Decision at 3; see also Exhibit R-11. Petitioner's SNAP issue now being moot, it has not been addressed in this Final Agency Decision.

By way of further comment, because it appears from the record that Petitioner has recently been the victim of domestic violence, the Agency is to refer Petitioner for a Family Violence Option risk assessment, pursuant to N.J.A.C. 10:90-20.1 et seq., if it has not already done so. See Initial Decision at 3-5.

Also by way of further 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 ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

AUG 31 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 03053-20 R.H.

AGENCY DKT. NO. C166733015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that Petitioner had been confined to jail. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for July 14, 2020. The procedural history thereafter has been detailed at length in the Initial Decision, and is incorporated by reference herein. On June 30, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 23, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner was confined to jail from February 11, 2020, through February 21, 2020, and as a result, he was evicted from the motel where he had been residing. See Initial Decision at 5; see also Exhibits R-3, R-4, R-5. Upon learning of Petitioner's February 11, 2020, incarceration, by notice dated February 12, 2020, the Agency terminated Petitioner's EA benefits effective February 11, 2020. See Initial Decision at 5; see also Exhibit R-1. However, the ALJ found that the Agency's February 11, 2020, termination was premature, and therefore improper, because at that time, the Agency had not known if Petitioner would be confined to jail for a period greater than seven days, as required by regulatory authority. See Initial Decision at 10; see also N.J.A.C. 10:90-9.1(d)(13). The Agency also maintained that its termination of Petitioner's EA benefits was proper because his criminal activity had caused his eviction from housing, and he thereby caused his own homelessness. See Initial Decision at 5; see also Exhibit R-3, and N.J.A.C. 10:90-6.1(c)(1)(iii). However, the ALJ found that, although Petitioner had been confined to jail for ten days, he had not been convicted of any crime, and as such, it could not be said that his criminal behavior directly caused his eviction/homelessness. See Initial Decision at 7-10. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. *Id.* at 10-11; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.



As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Officially approved final version.

AUG 31 2021

Natasha Johnson

Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 04398-21 R.M.

AGENCY DKT. NO. C049409021 (WARREN CO. DIV TEMP ASST & SOC. SVCS)

Petitioner appeals from the Respondent Agency's April 16, 2021, termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that her income exceeded her housing costs. A hearing was initially scheduled for June 22, 2021. Petitioner failed to appear, however, she had explained her absence, and the hearing was rescheduled for July 13, 2021. In the interim, another fair hearing request had been transmitted to the Office of Administrative Law ("OAL") on the same issue. On July 13, 2021, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), consolidated Petitioner's cases, docketed under OAL Docket Numbers HPW 04398-21 and HPW 05622-21, respectively, and then held a telephonic plenary hearing, took testimony, and admitted documents. On July 19, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 AFFIRM the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.1(a)(1), EA benefits shall be made available "[w]hen shelter costs equal or exceed total recorded income to the [Work First New Jersey] WFNJ or [Supplemental Security Income] SSI assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses[.]"

Here, the ALJ found that Petitioner's monthly household income is \$1,039, and that her monthly rent is \$910, plus an approximate monthly utility cost of \$102. See Initial Decision at 2; see also Exhibit R-1 at 18, 35. The ALJ also found that Petitioner was owed back Social Security Administration payments of over \$11,000, which are being paid to her in semi-annual payments of \$2,475. See Initial Decision at 3; see also Exhibit R-1 at 16. Further, the ALJ found that in June 2021, Petitioner had received a one-time payment of \$1,700, made to all Temporary Assistance for Needy Families ("TANF") recipients, as well as a previous COVID relief check in the amount of \$600. See Initial Decision at 3. Based on the foregoing, the ALJ found that, in accordance with regulatory authority, Petitioner was ineligible for EA benefits, as her monthly income exceeded her housing costs. *Id.* at 3. Accordingly, the ALJ



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concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at 1-5. I agree. However, I find that the ALJ's reliance upon N.J.A.C. 10:90-6.9 as the controlling regulatory authority in this matter is misplaced. See Initial Decision at 3. Rather, N.J.A.C. 10:90-6.1(a)(1) is the correct applicable regulatory authority in this instance. The Initial Decision is modified to reflect this finding.

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

Officially approved final version.

AUG 31 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 05622-21 R.M.

AGENCY DKT. NO. C049409021 (WARREN CO. DIV TEMP ASST & SOC. SVCS)

Petitioner appeals from the Respondent Agency's April 16, 2021, termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that her income exceeded her housing costs. A hearing was initially scheduled for June 22, 2021. Petitioner failed to appear, however, she had explained her absence, and the hearing was rescheduled for July 13, 2021. In the interim, another fair hearing request had been transmitted to the Office of Administrative Law ("OAL") on the same issue. On July 13, 2021, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), consolidated Petitioner's cases, docketed under OAL Docket Numbers HPW 04398-21 and HPW 05622-21, respectively, and then held a telephonic plenary hearing, took testimony, and admitted documents. On July 19, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 AFFIRM the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.1(a)(1), EA benefits shall be made available "[w]hen shelter costs equal or exceed total recorded income to the [Work First New Jersey] WFNJ or [Supplemental Security Income] SSI assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses[.]"

Here, the ALJ found that Petitioner's monthly household income is \$1,039, and that her monthly rent is \$910, plus an approximate monthly utility cost of \$102. See Initial Decision at 2; see also Exhibit R-1 at 18, 35. The ALJ also found that Petitioner was owed back Social Security Administration payments of over \$11,000, which are being paid to her in semi-annual payments of \$2,475. See Initial Decision at 3; see also Exhibit R-1 at 16. Further, the ALJ found that in June 2021, Petitioner had received a one-time payment of \$1,700, made to all Temporary Assistance for Needy Families ("TANF") recipients, as well as a previous COVID relief check in the amount of \$600. See Initial Decision at 3. Based on the foregoing, the ALJ found that, in accordance with regulatory authority, Petitioner was ineligible for EA benefits, as her monthly income exceeded her housing costs. *Id.* at 3. Accordingly, the ALJ



concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at 1-5. I agree. However, I find that the ALJ's reliance upon N.J.A.C. 10:90-6.9 as the controlling regulatory authority in this matter is misplaced. See Initial Decision at 3. Rather, N.J.A.C. 10:90-6.1(a)(1) is the correct applicable regulatory authority in this instance. The Initial Decision is modified to reflect this finding.

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

Officially approved final version.

AUG 31 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 06790-21 S.O.

AGENCY DKT. NO. C153229020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of ("EA") benefits. The Agency terminated Petitioner's 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. On August 18, 2021, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 18, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.1(a)(1), EA benefits shall be made available "[w]hen shelter costs equal or exceed total recorded income to the [Work First New Jersey] WFNJ or [Supplemental Security Income] SSI assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses[.]"

Here, the ALJ found, the record substantiates, and Petitioner acknowledged, that she receives \$825 per month in SSI benefits, and \$230 per week in Unemployment Insurance Benefits ("UIB"), totaling \$1,821 in monthly household income. See Initial Decision at 2-3; see also Exhibits R-2, R-3, and R-4. The record also reflects that Petitioner's monthly rent is \$850. See Initial Decision at 2. Based on the foregoing, the ALJ found that Petitioner has sufficient income to pay her rent, and as such, she is ineligible for EA benefits. See Initial Decision at 3-4. Moreover, the ALJ found that Petitioner is not homeless, or imminently homeless, and on that basis, she is also ineligible for EA benefits. See Initial Decision 3-4. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4; see also Exhibit R-1. While I agree with the ALJ's ultimate conclusion, I find that the ALJ's and the Agency's reliance on N.J.A.C. 10:90-6.1(c)(2) is misplaced. See Initial Decision at 3-4; see also Exhibit R-1. Rather, I find that the applicable regulatory



authority in this matter is N.J.A.C. 6.1(a)(1), as stated above. The Initial Decision and the Agency's determination are modified to reflect this finding.

By way of comment, should Petitioner's circumstances change, she may reapply for EA benefits.

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

Officially approved final version.

AUG 31 2021

Natasha Johnson

Assistant Commissioner

