



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 **00544-21 D.B.**

AGENCY DKT. NO. **S605477012 (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 penalty, contending that he violated motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 21, 2021, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Also on January 21, 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.

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, "[v]iolation of health and safety policies." See N.J.A.C. 10:90-6.3(c) (5).

EA recipients are required to develop and sign an EA service plan with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the requirements identified in the service plan, without good cause, shall result in termination of EA benefits and a six-month period of EA ineligibility. *Ibid.*

Here, the record indicates that Petitioner executed numerous SPs which required him to comply with motel/shelter rules. See Initial Decision at 3; see also Exhibits R-2, R-4, and R-7. The ALJ found, and the record substantiates, that Petitioner failed to comply with the terms of his SP, when he violated motel rules by smoking and by cooking food in an electric frying pan in his motel room. See Initial Decision at 2-3; see also Exhibits R-5, R-8, R-9, R-11, and R-12. The ALJ also found that Petitioner had disconnected the smoke detector in his room in order to cover up his violations. See Initial Decision at 4. Of note, Petitioner also had unauthorized guests in his room which required police involvement



to have them removed. Id. at 2-3; see also Exhibit R-5, R-8, R-11, R-12, and N.J.A.C. 10:90-6.3(e)(1) (iii). Petitioner admitted to such motel rule violations. See Initial Decision at 2-3. Based on the testimony and evidence provided, the ALJ concluded that Petitioner had violated the terms of his SP, by violating motel rules, and that the Agency's termination of Petitioner's EA benefits, on that basis, was proper and must stand. See Initial Decision at 3-4; see also Exhibits R-10, R-13, and N.J.A.C. 10:90-6.6(a).

I agree with the ALJ's conclusion that Petitioner failed to comply with his SP. See Initial Decision at 3-4. However, in instances such as this, where a violation of motel/shelter rules are at issue, it is the type of violation which is controlling, not the SP. See N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e). In this case, the record indicates that Petitioner's acts of smoking and cooking in his motel room, violated motel health and safety policy rules, 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)(5). See Initial Decision at 2-3; see also Exhibits R-5, R-8, R-9, R-10, R-11, and R-12. Accordingly, I find that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA penalty, was proper and must stand. See Exhibits R-10. The Initial Decision is modified to reflect these findings with respect to the applicable legal basis in this case and the imposition of a six-month EA ineligibility penalty.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from January 15, 2021, the effective date of the Agency's termination of Petitioner's EA benefits, through July 14, 2021. See Exhibit R-10.

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.

FEB - 4 2021

Natasha Johnson
Assistant Commissioner





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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 08701-20 D.S.

AGENCY DKT. NO. C014382010 (HUNTERDON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and the reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/GA benefits because the assistance unit's earned income put the WFNJ/GA assistance unit (hereinafter "AU") over the maximum benefit eligibility level for receipt of WFNJ/GA benefits. Petitioner's SNAP benefits were reduced due to the household's increase in income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 13, 2020, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 19, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination as to the termination of WFNJ/GA benefits, and dismissing Petitioner's appeal with respect to the SNAP benefits reduction.

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 MODIFY the Agency's action, based on the discussion below.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the AU's countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for a WFNJ/GA benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA AU, with benefit of the appropriate disregards set forth in N.J.A.C. 10:90-3.8 for earned income, if applicable, is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). Effective July 1, 2019, the benefit level for an employable WFNJ/GA AU, consisting of one person, is \$185 per month. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") No. 19-21. Effective July 1, 2019, the benefit level for an unemployable WFNJ/GA AU, consisting of one person, is \$277 per month. See N.J.A.C. 10:90-3.6(a); see also DFD IT No. 19-21.



When a WFNJ benefits recipient becomes employed, in accordance with N.J.A.C. 10:90-3.8(b), the following income disregards are applied: when the WFNJ benefits recipient is employed an average of 20 hours or more a week, 100 percent of the gross earned income shall be disregarded for the first full month in which the earned income is counted; thereafter, 75 percent of the gross earned income shall be disregarded for six consecutive months, after which, 50 percent of the gross earned income shall be disregarded for each continuous month of employment. If the WFNJ benefits recipient is employed less than an average of 20 hours per week, after the 100 percent disregard for the first month of employment, a 50 percent disregard shall be applied for each continuous month of employment. See N.J.A.C. 10:90-3.8(b).

Here, the record reflects that the WFNJ/GA benefits AU consists solely of Petitioner. See Initial Decision at 2. It appears that Petitioner was receiving WFNJ/GA benefits in the monthly amount of \$277, as unemployed person up until July 8, 2020, when he advised the Agency that he had obtained employment. *Ibid.*; see also Exhibit R-1 at 4. After providing the Agency with a paystub, Petitioner's monthly income was calculated to be \$572. See Initial Decision at 2; see also Exhibit R-1 at 8. As Petitioner's earned income exceeded the WFNJ/GA maximum benefit level, the Agency terminated Petitioner's WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-1 at 4.

An independent review of the record indicates that the paystub provided was for a one week period only, for July 5, 2020, through July 11, 2020, and for a total of 12 hours of work. See Exhibit R-1 at 8. Based on the Year to Date ("YTD") Gross amount of \$426.25, it is clear that the paystub provided was not Petitioner's first pay check. *Ibid.* Furthermore, based on the paystub provided, indicating less than 20 hours per week, and in accordance with N.J.A.C. 10:90-3.8(b), Petitioner would be entitled to a 100 percent earned income disregard for the month of July, 2020, and thereafter, a 50 percent earned income disregard would be applied, and Petitioner would then have become ineligible for WFNJ/GA benefits in August, 2020, as 50 percent of the monthly income of \$572, is \$286, which is above the income level threshold of \$185 for an employable WFNJ/GA benefits recipient, as well as over the unemployable benefit level of \$277. See N.J.A.C. 10:90-3.5(b), -3.6(a); see also DFD IT No. 19-21. As such, the Agency's termination, effective August 1, 2020, was proper, however, the Initial Decision and the Agency's determination are hereby modified to reflect the above findings and the correct applicable regulatory authority in this matter. Additionally, it is unclear, from the record presented, if Petitioner's hours have consistently been below a weekly average of 20 hours per week. If Petitioner's hours of employment have increased to an average of 20 hours or more per week, Petitioner should advise the Agency accordingly, so that the applicable income disregards, in accordance with N.J.A.C. 10:90-3.8(b), may be applied.

With respect to the reduction of Petitioner's SNAP benefits, the ALJ found that there was no current dispute regarding Petitioner's SNAP benefits, and as such, dismissed Petitioner's appeal on that issue. See Initial Decision at 2, 3. I agree. However, I do note that, as a household's total income increases, with all other factors in the allotment calculation remaining constant, the household's SNAP benefit allotment will decrease.

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

Officially approved final version.

FEB - 4 2021

Natasha Johnson
Assistant Commissioner





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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 09403-20 T.S.

AGENCY DKT. NO. C023439018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's reduction of his monthly Supplemental Nutrition Assistance Program ("SNAP") benefits amount. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 10, 2020, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 19, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I hereby MODIFY the ALJ's Initial Decision, AFFIRM the Agency determination, 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).

Here, an independent review of the record shows that Petitioner's household consists of one person, and that the household's monthly gross income totals \$1,426, comprised of Petitioner's veterans' benefits. See Initial Decision at 2; see also Exhibit R-1 at 3, 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 net income is reduced to \$1,259. See N.J.A.C. 10:87-6.16(b)(4); see also DFDI Instruction ("DFDI") 20-09-04 at 11. There are no medical expenses in excess of \$35. See N.J.A.C. 10:87-6.16(b)(5). Next is to determine if Petitioner receives a shelter deduction, and if so, how much. Petitioner's shelter costs are the portion of rent Petitioner actually pays, or \$299, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which equals \$847. 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 \$1,259, which is \$629.50, (\$847 - \$629.50), resulting in an excess shelter deduction of \$217.50. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions ((\$1,426 - \$167) - \$217.50), resulting in a net monthly SNAP income of \$1,041.50. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit R-1 at 3. That amount is then multiplied by .3 and rounded up, or \$313. 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, \$204 - \$313, resulting in a negative number. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also DFDI 20-09-04 at 11. However, as a household of one person, Petitioner is eligible for the minimum allotment amount, which currently is \$16. See N.J.A.C. 10:87-12.6(a)(2); see also 7 CFR 273.10(e)(2)(ii)(C) and DFDI 20-09-04 at 2, 11. Based on the foregoing, I concur with the ALJ's finding that the Agency properly reduced Petitioner's monthly SNAP benefits allotment. See Initial Decision at 3; see also Exhibit R-1 at 3. The Initial Decision is modified to reflect the above analysis and findings.

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

Officially approved final version.

FEB - 4 2021

Natasha Johnson
Assistant Commissioner





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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 20-035899 G.C.

AGENCY DKT. NO. C082298006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

On or about October 29, 2020, Petitioner submitted a request for an Administrative Review that was received in 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.

At the outset, it should be noted that an appeal from an Agency's adverse action must be made within 90 calendar days of such action. See N.J.A.C. 10:90-9.10. That time limit may not be expanded, unless extraordinary and extenuating circumstances exist, such as serious illness, as determined by DFD. Ibid. Here, Petitioner was notified on February 14, 2017, that her SSI retroactive lump benefits check had been forwarded to the Agency. See Repayment of Interim Assistance Authorization. More than three years and eight months had elapsed between the time SSA had sent Petitioner's SSI check to the Agency, and the time Petitioner had contacted BARA, requesting this Administrative Review. The record is devoid of any extraordinary or extenuating circumstances to warrant the expansion of the 90-day time period for this Administrative Review. However, in the interests of fairness, and so that Petitioner may fully understand the basis for the recoupment of her retroactive lump-sum SSI benefits, the above time frame has been waived and this Administrative Review proceeded.

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 November 2, 2020, BARA sent letters to the Agency in Cumberland County, and to Petitioner requesting additional information necessary to complete an Administrative Review. On November 12, 2020, the Agency provided documentation in response to BARA's request for same. On November 19, 2020, Petitioner, in response to BARA's request for more information, provided a letter. The documentation provided by the Petitioner and the Agency is sufficient to conduct this Administrative Review, and comprises the record in this matter.

A review of the documents submitted reflects that on February 14, 2017, Petitioner was deemed eligible for SSI benefits, retroactive to May 1, 2014. See IA Reimbursement Details; see also Repayment for Interim Assistance Authorization. Since Petitioner had received public assistance, specifically, WFNJ/GA cash assistance and combined EA benefits while her SSI matter was pending, the SSA sent Petitioner's lump-sum SSI benefits interim check in the amount of \$11,425.87 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, May 1, 2014, and the month prior to when Petitioner began receiving her first monthly recurring SSI benefits payment in March, 2017. Ibid. The record further demonstrates that, during the period from June, 2014, through February, 2017, Petitioner received a total of \$11,009.28 in assistance benefits, including \$5,054.30 in WFNJ/GA cash benefits, and a combined total of \$5,954.98 in EA and EA/TRA benefits. See Summary of Interim Assistance Payments. Since Petitioner had received public assistance while her SSI matter was pending, the SSA sent a portion of Petitioner's retroactive lump-sum SSI benefits interim payment, in the amount of \$11,425.87, 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 on May 1, 2014, through February, 2017, after which Petitioner began receiving recurring monthly SSI payments. Ibid. The Agency received the interim check because Petitioner had signed an "Authorization for Reimbursement of Initial Supplemental Security Income (SSI) Payment or Initial SSI Post-eligibility Payment," as well as an "Agreement to Repay Assistance from Initial SSI Payment," on January 11, 2016. See WFNJ/GA-30 and WFNJ/GA-30A forms.

The record further shows that, after reviewing the IA Reimbursement Details, Petitioner was owed a partial refund from the amount the Agency had recouped, specifically in the amount of \$416.59, which was forwarded to Petitioner on March 20, 2017. See Repayment for Interim Assistance Authorization and check number 11775.

Based upon the foregoing, I find that the Agency's recoupment of a portion of Petitioner's retroactive lump-sum SSI benefits interim check, in the amount of \$11,009.28, was correct. The documentation in this matter clearly shows that Petitioner received a total of \$11,009.28 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, 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 Petitioner's retroactive lump-sum SSI benefits interim payment in the amount of \$11,009.28, and I hereby AFFIRM that action.

Accordingly, the Agency's action is AFFIRMED.



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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 09855-20 C.J.

AGENCY DKT. NO. C755942007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because the household's unearned income from Unemployment Insurance Benefits ("UIB") put the WFNJ/TANF assistance unit ("AU") over the maximum benefit eligibility level for receipt of WFNJ/TANF benefits, and terminated Petitioner's EA benefits, 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 January 6, 2021, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 7, 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, 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 persons, the maximum allowable benefit level is \$425, and for an assistance unit of three persons, the maximum allowable benefit level is \$559. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, it appears from the record that, after leaving her employment in April, 2020, Petitioner applied for, and was granted, WFNJ/TANF and EA benefits, however, Petitioner was also advised that she needed



to apply for UIB. See Initial Decision at 2; see also N.J.A.C. 10:90-2.2(a)(3) (stating that applicants for WFNJ benefits must apply for any other assistance or programs for which a member of the AU may be eligible). Thereafter, on a date uncertain, Petitioner was approved for UIB in the weekly amount of \$231. See Initial Decision at 2. It was not until early September, 2020, that the Agency became aware of Petitioner's receipt of UIB, and at that time, on September 3, 2020, the Agency terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 2. While Petitioner is no longer eligible to receive EA, the Initial Decision states that, after the termination of her WFNJ/TANF benefits, Petitioner has continued to reside at a shelter. Ibid. While Petitioner contends that she ceased receiving UIB in mid-October, 2020, there is no dispute that at the time the Agency terminated Petitioner's WFNJ/TANF benefits, by notice dated September 3, 2020, Petitioner was receiving UIB, and as such, she was ineligible for WFNJ/TANF benefits, and consequently, also ineligible for EA benefits. See Initial Decision at 2, 3; see also N.J.A.C. 10:90-3.3(b), -6.2(a), and DFD IT 19-21. Based on the foregoing, the ALJ in this matter concluded that the Agency's termination of Petitioner's WFNJ/TANF, and EA benefits, was proper and must stand. See Initial Decision at 3-4. I agree.

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.

By way of further comment, Petitioner is without prejudice to reapply for WFNJ/TANF and EA benefits, if she has not already done so.

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

Officially approved final version.

FEB - 4 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 10194-20 P.B.

AGENCY DKT. NO. S475448001 (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 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 December 29, 2020, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On December 31, 2020, 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.

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 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).

The record in this matter reflects that Petitioner's household is comprised of four persons, one of whom is disabled. See Initial Decision at 2; see also Exhibit R-1 at 9. The household's earned income, from Petitioner's employment, is \$2,099. See Initial Decision at 2; see also Exhibit R-1 at 9, right column "EARNED-INC." The household's net monthly earned income totals \$1,679.20 ($\$2,099 \times .8$). See N.J.A.C. 10:87-6.16(b)(2). Petitioner's household has combined unearned income from Retirement, Survivors and Disability Insurance ("RSDI") benefits of \$1,687, plus Work First New Jersey/Temporary Assistance for Needy Families benefits received on behalf of a child in the household, in the amount of \$214, for a total combined household unearned income amount of \$1,901. See N.J.A.C. 10:87-6.16(b)(3); see also Exhibit R-1 at 8. After subtracting the correct standard deduction for a household of four of \$187, from the monthly household income, earned and unearned of \$3,580.20 ($\$1,679.20 + \$1,901$), Petitioner's household income is reduced to \$3,402.20. See N.J.A.C. 10:87-6.16(b)(4). The record indicates that Petitioner has medical monthly expenses in the amount of \$144, and after subtracting the excess over \$35, or \$109, Petitioner's household income is further reduced to \$3,293.20. See N.J.A.C. 10:87-6.16(b)(5); see also Exhibit R-1 at 9. Next is to determine if Petitioner receives a shelter deduction and if so, how much. Petitioner's rent is \$1,600, and Petitioner qualified for the Heating or Cooling Standard Utility Allowance ("HCSUA") of \$548, for total shelter costs of \$2,148 ($\$1,600 + 548$). See N.J.A.C. 10:87-6.16(b)(8). Subtracted from the shelter costs, \$2,148, is 50% of Petitioner's net monthly income after the deductions outlined above, or half of \$3,292.20, which is \$1,646.60, resulting in an excess shelter deduction of \$501.40 ($\$2,148 - \$1,646.60$). See N.J.A.C. 10:87-6.16(b)(8). Accordingly, Petitioner's total net monthly SNAP income is calculated as $\$3,580.20 - 178 - \$109 - 501.40 = \$2,791.80$. Ibid. This amount is the same as reflected on Exhibit R-1, page 9, in the left hand column for "TOT-NT INC." That amount is then compared to maximum allowable net income chart, which reflects that the maximum allowable net income for a household of four is \$2,146. See DFD Instruction ("DFDI") 19-09-01 at 12; see also N.J.A.C. 10:87-6.16(d)(2). As Petitioner's net monthly SNAP income is more than the maximum allowable, Petitioner is not eligible for SNAP benefits.

Based on the foregoing, I agree with the ALJ's conclusion that the Agency's denial of Petitioner's application for SNAP benefits, for excess income over the net income eligibility standard, was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 3. The Initial Decision is modified, however, to include the full calculations analysis and findings above.

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



Officially approved final version.

FEB - 4 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
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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 07025-20 P.S.

AGENCY DKT. NO. C043973003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had voluntarily quit employment and had the capacity to plan for substitute housing, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Two prior hearing dates were initially scheduled, but were adjourned due to Petitioner's conflicting medical appointments. On December 2, 2021, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow for post-hearing legal briefing to be submitted, and then closed on December 9, 2020.

On December 31, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner voluntarily quit her employment on December 2, 2019, in order to take care of her sick mother, and as such, found that Petitioner had good cause for said voluntary quit. See Initial Decision at 3, 5; see also Exhibit R-6. The ALJ also found that Petitioner had planned for substitute housing after the foreclosure on her prior residence had occurred on January 27, 2020, even though all such plans had fallen through due to various mitigating circumstances. See Initial Decision at 3-5. Further, the ALJ found that the evidence suggested that Petitioner's mental health issues may have contributed to her inability to properly plan to effectively secure substitute housing. *Id.* at 7. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, on the bases that she had voluntarily quit employment and had failed to plan for substitute housing, was improper and must be reversed. *Id.* at 7-8; see also Exhibit R-5, and N.J.A.C. 10:90-6.1(c)(3). 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.



FEB 11 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner





State of New Jersey

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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 10365-20 Y.G.

AGENCY DKT. NO. C218995020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJGA benefits, contending that he failed to provide required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 8, 2021, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 8, 2021 The ALJ issued an Initial Decision, affirming the Agency's determination. Here, as a condition of WFNJ/GA eligibility, Petitioner was required to apply for Unemployment Insurance Benefits ("UIB") and to provide the Agency with proof that he had been found ineligible for UIB. See Initial Decision at 2. The ALJ found that Petitioner had failed to provide the Agency with proof that he had applied, and been found ineligible for, UIB, and therefore, concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. *Ibid.*; see also N.J.A.C. 10:90-1.6(a). 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 advised that he may reapply for WFNJ/GA benefits. Petitioner is further advised that in order for him to be considered for WFNJ/GA benefits eligibility, he must provide the Agency with proof that he has been determined ineligible for UIB. See N.J.A.C. 10:90-1.12, -2.2(a)(3).

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



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Natasha Johnson
Assistant 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 01102-21 A.W.

AGENCY DKT. NO. C376627007 (ESSEX COUNTY DIVISION OF WELFARE)

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 she was terminated from shelter placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2021, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 8, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency terminated Petitioner's EA benefits based solely on the shelter manager's written allegations that Petitioner had trashed her room and the hallway, and that she had been hostile to said manager when she returned to pick up her belongings. See Initial Decision at 5; see also Exhibits R-1, R-3, and N.J.A.C. 10:90-6.3(c)(2), (3). However, the ALJ found, and the record substantiates, that Petitioner was terminated from her shelter placement due to an erroneous belief by the shelter manager that the Agency had closed out Petitioner's shelter voucher, and was no longer going to continue to pay for Petitioner's room at the shelter. See Initial Decision at 3-4; see also Exhibit R-3. The ALJ also found that Petitioner had not violated any shelter rules while staying at the shelter, and that the shelter manager's allegations of any such violations were after Petitioner had already left the shelter and had returned to pick up her belongings, and as such, she had not caused her own homelessness. See Initial Decision at 4-5; see also Exhibit R-3. Further, the ALJ found that Petitioner had credibly denied the allegations, and that the shelter manager's testimony was not credible, nor substantiated by any credible evidence. See Initial Decision at 6. The ALJ also found that the Agency had failed to review with Petitioner the reason(s) for the shelter termination, as required, prior to its termination of her EA benefits. *Id.* at 8; see also N.J.A.C. 10:90-6.3(g). Moreover, the Agency conceded that Petitioner's ejection from the shelter placement was "an unfortunate mistake, not brought on by any conduct of [Petitioner]." See Initial Decision at 3, 6. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. *Id.* at 6-9; see also Exhibit R-1. I agree. Accordingly, the ALJ ordered the Agency to continue to provide EA benefits to Petitioner at her current placement, or to



immediately commence to locate other appropriate temporary shelter for her, and her five children. See Initial Decision at 9. I also agree.

Exceptions to the Initial Decision were filed by the Agency on February 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, 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.

FEB 11 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

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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 00714-21 S.P.

AGENCY DKT. NO. C333814007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner seeks Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA"), benefits, from the Respondent Agency, and challenges the reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. Petitioner's SNAP benefits were reduced due to the household's increase in unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 27, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 28, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination with respect to the reduction of Petitioner's SNAP benefits, and dismissing Petitioner's request for 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, dismiss Petitioner's request for WFNJ/TANF and EA benefits, and AFFIRM the Agency's SNAP benefits determination, based on the discussion below.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). Pursuant to N.J.A.C. 10:90-3.2(a), in order to determine initial financial eligibility for WFNJ benefits for a new applicant, re-applicant or reopened case, "all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule I at N.J.A.C. 10:90-3.3." See also N.J.A.C. 10:90-3.1(b). Further, "[i]f the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/TANF initial financial eligibility exists." See N.J.A.C. 10:90-3.2(a). For an assistance unit of three, such as Petitioner's, effective July 1, 2019, the maximum allowable income level is \$839. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.



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, Petitioner seeks WFNJ/TANF and EA benefits, yet it is undisputed that Petitioner has not presently submitted an application for WFNJ/TANF or EA benefits, and the last time that Petitioner submitted an application for said benefits was in November, 2019. See Initial Decision at 2. Moreover, Petitioner has been receiving monthly Unemployment Insurance Benefits (“UIB”) in the amount \$1,001 since October 1, 2020, and based upon that unearned income, Petitioner is currently ineligible for WFNJ/TANF benefits, and consequently also ineligible for EA benefits. *Ibid.*; see also N.J.A.C. 10:90-3.3(a), -6.2(a) and DFD IT 19-21. Based on the foregoing, the ALJ concluded that Petitioner’s request for WFNJ/TANF and EA benefits must be dismissed. See Initial Decision at 5. I agree.

With respect to the reduction of Petitioner’s SNAP benefits, the ALJ found that the Agency had correctly utilized the information given to it by Petitioner in order to calculate Petitioner’s SNAP benefits, and that said calculation was correct. See Initial Decision at 4, 5; see also N.J.A.C. 10:87-6.16 and Exhibit R-1 at 21. I also agree. Moreover, I note that, as a household’s total income increases, with all other factors in the allotment calculation remaining constant, the household’s SNAP benefits will decrease.

Accordingly, the Initial Decision is hereby ADOPTED, Petitioner’s request for WFNJ/TANF and EA is dismissed, and the Agency’s SNAP benefits determination is AFFIRMED, as outlined above.

Officially approved final version.

FEB 11 2021

Natasha Johnson
Assistant 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 07594-20 M.M.

AGENCY DKT. NO. C033745018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA/Temporary Rental Assistance ("TRA") benefits, contending that his income exceeded his housing costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 24, 2020, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties the opportunity to submit additional documentation, and then closed on December 7, 2020. On December 23, 2020, 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 ("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 REVERSE 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 WFNJ or 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 concluded that the Agency was only permitted to terminate Petitioner's EA benefits for the reasons set forth in N.J.A.C. 10:90-6.1(c)(3)(i)-(ix), and not because his income exceeded his housing costs, as was the Agency's basis for the EA termination. See Initial Decision at 7, 10; see also Exhibits R-4, R-7, and N.J.A.C. 10:90-6.1(a)(1). I disagree, finding that the ALJ's regulatory analysis is misplaced. See Initial Decision at 6-10. Rather, I find that in order for Petitioner to continue to be eligible for EA benefits he must continue to meet all eligibility requirements for such benefits, and one of those requirements is that his shelter costs must equal or exceed his total recorded income. See N.J.A.C. 10:90-6.1(a)(1). The record reflects that Petitioner's Supplemental Security Income ("SSI") is \$814.25 and his housing costs are \$725, and as such, his income exceeds his housing costs by \$89.25. See Initial Decision at 6; see also Exhibit R-3. Contrary to the ALJ's finding, regulatory authority does not



allow for monthly personal or medical expenses to be taken into account when calculating Petitioner's continued EA benefits eligibility. See Initial Decision at 8. Nevertheless, although Petitioner's SSI income exceeds his housing costs, I find that because his housing costs are well below the Fair Market Rent for a studio or one-bedroom apartment in Somerset County, and because it is goal of the EA benefits program to minimize the incidence of homelessness among the SSI recipient population, particularly during the current pandemic, Petitioner is eligible for EA/TRA benefits for his current apartment, so long as he continues to remain eligible for said benefits in accordance with N.J.A.C. 10:90-6.1 et seq. See Initial Decision at 6, 9; see also Exhibit R-3, and N.J.A.C. 10:90-6.1(a)(1), and DFD Informational Transmittal No. 20-26. Further, the Agency may take into consideration Petitioners' monthly out-of-pocket medical expenses when determining his 30 percent monthly contribution toward his housing costs. See Initial Decision at 8; see also N.J.A.C. 10:90-6.5(a)(1)(i). Based on the foregoing, I reverse the Agency's termination of Petitioner's EA/TRA benefits. See Exhibits R-4, R-7. The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner is directed to contact Medicare to inquire about getting free transportation with "Logisticare," to contact the Agency to inquire about a "Scoot" pass to assist with transportation, and to contact "Assurance" and "Safelink" for free cellular services. See Initial Decision at 6. Petitioner is advised that many of his toiletry needs may be provided by his local food bank. Ibid.

By way of further comment, Petitioner is directed to continue to look for more affordable housing, including applying for Section 8 housing, in order to become fully self-sufficient, as EA benefits are temporary and time limited, and not a permanent housing subsidy. Id. at 5.

Accordingly, the Initial Decision is hereby MODIFY, the Agency's determination is REVERSED, as outlined above.

FEB 11 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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DEPARTMENT OF HUMAN SERVICES
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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 00299-21 Y.C.

AGENCY DKT. NO. C294874016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner's behavior caused her homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 14, 2021, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On January 15, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had been living with her mother all her life, rent free, including such time as when she had two children, and that she was asked to leave her mother's residence because she had argued with her mother and had refused to follow her mother's house rules. See Initial Decision at 2-3; see also Exhibits R-2, R-4. Although Petitioner did not dispute that she argued with her mother, she stated that said argument was not about her failure to follow house rules, but rather, was about an issue with her children, and was justified. See Initial Decision at 3. However, the ALJ found that Petitioner should have kept her difference of opinion "to herself" in order to retain rent free house, but instead she had chosen to argue with her mother, which resulted in her being directed to leave the residence. Id. at 4; see also Exhibit R-2. Based on the foregoing the ALJ concluded that Petitioner had caused her own homeless, without good cause, and as such, further concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(vi). 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 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.

FEB 11 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

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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 00531-21 K.F.

AGENCY DKT. NO. C055816015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

K.F. and C.K. (Petitioners) appeal from the Respondent Agency's denial of their application for Emergency Assistance ("EA") benefits. The Agency denied Petitioners EA benefits, contending that they refused appropriate housing offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 3, 2021, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 3, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that, after having taken into consideration Petitioners' history of domestic and substance abuse, the Agency had appropriately offered Petitioners separate sober living housing placements. See Initial Decision at 2-3; see also Exhibits R-2 through R-5. The ALJ also found that Petitioners refused such placement. See Initial Decision at 3; see also Exhibit R-3. Of note, the record indicates that Petitioners refused the opportunity to present testimony on their own behalf. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioners was proper and must stand. *Id.* at 3-5; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(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 transmittal in this matter indicates an additional contested issue pertaining to a denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if either Petitioner still has an issue concerning a denial of WFNJ/GA benefits, he/she may request another fair hearing on that issue alone.

By way of further comment, Petitioners' may reapply for EA benefits, and are advised that it is the Agency who shall determine the most appropriate form of housing necessary to address their individual circumstances. See N.J.A.C. 10:90-6.3(a)(1).



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

Officially approved final version.

FEB 11 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

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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 00745-21 R.J.

AGENCY DKT. NO. S629218012 (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 she was terminated from motel placement for violating motel rules, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 28, 2021, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 29, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner violated motel rules at both her first and second motel placements by engaging in behavior that caused destruction of shelter property. See Initial Decision at 2-3, 5; see also Exhibits R-7, R-11, R-12. Specifically, the record reflects that Petitioner was terminated from her first motel placement for throwing garbage in the sink and toilet on numerable occasions which lead to problems in the sewage line, and was terminated from her second motel placement for continually running the shower throughout the night which caused water damage to the motel room. Ibid. The ALJ also found that Petitioner had an unauthorized guest staying overnight with her at the second motel placement. See Initial Decision at 5-6; R-12. Although Petitioner claimed that it had been her overnight guest who had left the shower on all night, the ALJ found that Petitioner was ultimately responsible for what happened in her motel room, particularly when that conduct was alleged to have been done by an unauthorized guest in her room. See Initial Decision at 5-6. Moreover, Petitioner was advised, and acknowledged, that her EA benefits would be terminated for a period of six-months if she violated motel rules at her second motel placement. Id. at 5; see also Exhibit R-8, and N.J.A.C. 10:90-6.3(h). Based on the foregoing, the ALJ concluded that Petitioner violated shelter rules, without good cause. See Initial Decision at 4-7. Accordingly, the ALJ further concluded 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 6-7; see also Exhibit R-13, and N.J.A.C. 10:90-6.3(c)(2), (6), and -6.3(e)(1)(iii). I agree.

Exceptions to the Initial Decision were filed by Petitioner on February 2 and 4, 2021.



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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 her six-month EA ineligibility penalty shall run from January 30, 2021, the date of the Agency's termination, through July 29, 2021. See Exhibit R-13.

By way of further 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.

Also 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. Moreover, Petitioner included documents with her Exceptions which were not introduced before the ALJ at the hearing. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ.

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

Officially approved final version.

FEB 11 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

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 00746-21 W.G.

AGENCY DKT. NO. C199684020 (UNION COUNTY DIVISION 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 her homelessness was within her control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 27, 2021, but was adjourned at the request of Petitioner. Beginning on February 1, 2021, and continued on February 4, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 5, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency terminated Petitioner's EA benefits contending that "[h]omelessness was within [her] control." See Initial Decision at 2-3; see also Exhibit R-4, and N.J.A.C. 10:90-6.1(c)(1)(ii). However, the ALJ found that the Agency's termination was actually based on assertions of trespassing and theft, made in the hotel manager's email, wherein it was alleged that Petitioner had violated hotel rules by entering into a hotel room that was not her own, and for stealing a telephone. See Initial Decision at 2-3; see also Exhibits R-4, R-5, and N.J.A.C. 10:90-6.3(c)(3). Petitioner denied the hotel manager's allegations of trespass and theft. See Initial Decision at 3. The ALJ concluded that the hotel manager's email was hearsay within the dictates of the Residuum Rule, unsupported by competent evidence in the record, and as such, the ALJ concluded that the Agency failed to meet its burden of proof to show, by a preponderance of the evidence, that Petitioner actually committed the criminal acts which resulted in her termination from the shelter. *Id.* at 3-4; see also Exhibit R-4, and N.J.A.C. 1:1-15.5. Further, the ALJ also concluded that the Agency had not provided Petitioner with adequate notice regarding the reason for its termination, as the basis was overbroad and the regulatory citation misplaced. See Initial Decision at 4, 6. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 4-6; see also Exhibit R-3, and N.J.A.C. 1:1-15.5. 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 further comment, Petitioner is advised that any future shelter rule violations may result in the termination of EA benefits, and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.3(c), (e).

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



Officially approved final version.

FEB 11 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 11088-20 C.G.

AGENCY DKT. NO. S625135012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/GA benefits because the household's unearned income from Unemployment Insurance Benefits ("UIB") put the WFNJ/GA assistance unit ("AU") over the maximum benefit eligibility level for receipt of WFNJ/GA benefits, and terminated Petitioner's EA benefits 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 January 22, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 8, 2021, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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.

In relevant part, pursuant to N.J.A.C. 10:90-2.2(a)(3), as a condition of eligibility for WFNJ cash benefits, the applicant/recipient must apply for all other assistance for which they may be eligible.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the AU's countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for a WFNJ/GA benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA AU, with benefit of the appropriate disregards set forth in N.J.A.C. 10:90-3.8 for earned income, if applicable, is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). Effective July 1, 2019, the benefit level for an employable WFNJ/GA AU, consisting of one person, is \$185 per month. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") No. 19-21.



Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that the WFNJ/GA benefits AU consists solely of Petitioner. See Initial Decision at 2; see also EA/TRA Exhibit R-5. The record further reflects that both Petitioner, and her adult son who was residing with her for a period, applied, and were approved for, weekly UIB in the amount of \$231 each, for a combined total household monthly income of \$2,002. See Initial Decision at 2; see also WFNJ/GA Exhibits R-3 and R-4. As the AU's monthly UIB income exceeded the maximum allowable monthly benefit level of \$185 for continued WFNJ/GA benefits eligibility for an employable AU of one, by notice dated November 16, 2020, the Agency terminated Petitioner's WFNJ/GA benefits. See WFNJ/GA Exhibit R-1; see also DFD IT 19-21. It should be noted that Petitioner's adult son was not included on Petitioner's original EA application on June 1, 2020, but was included on Petitioner's July 27, 2020, EA application. See WFNJ/TRA Exhibits R-1 and R-5. Furthermore, an EA Service Plan dated September 25, 2020, clearly denotes that Petitioner's adult son was not WFNJ eligible, undoubtedly due to his receipt of UIB, and therefore, as Petitioner was already receiving WFNJ/GA benefits, the maximum allowable level for continued WFNJ/GA eligibility is \$185, not \$381, as indicated in the Initial Decision. See WFNJ/GA Exhibit R-5 and WFNJ/TRA Exhibit R-9. Based upon Petitioner's combined household income, due to receipt of UIB in the amount of \$2,002, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 5-6; see also WFNJ/GA Exhibit R-1. I agree, but hereby modify the Initial Decision to denote the correct maximum benefit level for continued WFNJ/GA eligibility in this matter of \$185, for the reasons as outlined above.

Additionally, by notice dated October 29, 2020, the Agency terminated Petitioner's EA benefits effective November 29, 2020, because Petitioner was no longer a WFNJ, or SSI, benefits recipient. See WFNJ/TRA Exhibit R-13; see also N.J.A.C. 10:90-6.2(a). Based on the evidence presented, the ALJ further concluded that because the termination of Petitioner's WFNJ/GA benefits was found to be proper, the Agency's termination of Petitioner's EA benefits was also proper and must stand. See Initial Decision at 6; see also N.J.A.C. 10:90-3.6(a), -6.2(a). I also agree.

By way of comment, Petitioner is without prejudice to reapply for WFNJ cash and EA benefits at such time that her UIB ends.

By way of further 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 MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. **FEB 23 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

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 10446-20 N.H.

AGENCY DKT. NO. C167512015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits because her total monthly income put her over the maximum allowable benefit level for continued receipt of WFNJ/GA benefits, and terminated Petitioner's EA benefits because she was no longer a WFNJ cash benefits recipient, 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 January 6, 2021, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 20, 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

In order to be eligible for WFNJ/GA benefits, the total countable income of the unemployable single adult, or couple without dependent children, must be equal to or less than the maximum benefit payment level for the size of the assistance unit as set out in Schedule V at N.J.A.C. 10:90-3.6(a). See N.J.A.C. 10:90-3.1(b)(1). Effective July 1, 2019, the benefit level for an unemployable WFNJ/GA assistance unit that consists of one individual is \$277 per month. See N.J.A.C. 10:90-3.6(a); see also DFD Informational Transmittal ("IT") No. 19-12.

Only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that Petitioner was determined eligible for disability benefits, and received a lump-sum amount of SSI benefits on October 2, 2020, with no indication of recurring monthly SSI payments. See Initial Decision at 2; see also Exhibit R-4 at 4. Petitioner was determined eligible for Retirement, Survivors and Disability Insurance ("RSDI") benefits, and was to receive recurring monthly



benefits in the amount of \$1132, later raised to \$1147 in December, 2020. See Initial Decision at 2, 3, 4; see also Exhibit R-4 at 1. As Petitioner's monthly unearned income from RSDI benefits exceeded the unemployable WFNJ/GA maximum benefit level of \$277, Petitioner was no longer eligible for WFNJ/GA benefits. See Initial Decision at 4, 5; see also N.J.A.C. 10:90-3.6(a). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 5; see also Exhibit R-1 at 1. I agree, but note that the record clearly shows that Petitioner does not receive recurring monthly SSI benefits, undoubtedly because if monthly RSDI benefits exceed the monthly maximum SSI amount, as in this case, eligibility for any amount of monthly SSI benefits ends. See Exhibit R-4.

The ALJ also concluded that, because Petitioner was no longer a WFNJ/GA benefits recipient, nor an SSI benefits recipient, the Agency's termination of Petitioner's EA benefits, effective December 1, 2020, was also proper and must stand. See Initial Decision at 6; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.2(a). I also agree.

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 action is AFFIRMED, as outlined above.

Officially approved final version.

FEB 23 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
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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 10230-20 C.L.

AGENCY DKT. NO. C066003006 (CUMBERLAND 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 hearing on December 9, 2020, but was adjourned to allow time for Petitioner to submit additional documentation. The case was rescheduled, and on January 27, 2021, the Honorable Jeffrey R. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 1, 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).



On or around January 10, 2020, the Agency began an investigation to determine whether Petitioner, a recipient of WFNJ/TANF and SNAP benefits, misused or trafficked SNAP ETB cards. See Initial Decision at 2; see also Exhibit R-1 at 25. On March 5, 2020, an Agency Investigator visited Petitioner's home to verify residence and household composition. See Exhibit R-1 at 25. A tenant reported to the Investigator that Petitioner did reside there, but no children resided with her. Id. at 25-26. On May 22, 2020, the Investigator interviewed Petitioner, and Petitioner reported that, effective January 4, 2019, her children were removed from the home, and living with other relatives. See Initial Decision at 2; see also Exhibit R-1 at 26, 27-28, 29-30. As a result of its investigation, the Agency concluded that Petitioner had failed to report that her children had been removed from her home, and that this failure to disclose to the Agency that her children had been removed from her home, resulted in an overissuance of WFNJ/TANF and SNAP benefits, to which she was not entitled to. See Initial Decision at 2; see also Exhibit R-1 at 26, 67, 68.

The ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner did not notify the Agency that her children were removed from her home to live with other relatives, and that the failure to disclose this information to the Agency resulted in WFNJ/TANF and SNAP overpayments. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:87-2.1, -2.2(a), -3.2(a), and N.J.A.C. 10:90-2.7(a)(1). The ALJ concluded that Petitioner received an overissuance of WFNJ/TANF benefits in the amount of \$3,825, and an overissuance of SNAP benefits in the amount of \$1,698, for the period beginning September, 2019, through May, 2020, which must be repaid. See Initial Decision at 5; see also Exhibit R-1 at 2-5, 6-10, and N.J.A.C. 10:87-11.20(e)(2), N.J.A.C. 10:90-3.21(a)(1). I agree.

I ORDER and direct the Agency to proceed to recoup the overissuances.

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

Officially approved final version.

FEB 25 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

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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 10692-20 M.K.

AGENCY DKT. NO. C157222003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, its denial of extension of EA benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, contending that she had exhausted her lifetime limit of EA benefits; denied her an extension of EA benefits, and imposed a six-month EA ineligibility penalty, due to EA service plan violations. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 28, 2020, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 25, 2021, the ALJ issued an Initial Decision, affirming the Agency's termination of Petitioner's EA benefits, reversing the Agency's denial of an extension of EA benefits to Petitioner, and reversing the Agency's imposition of a six-month EA ineligibility penalty.

This office has been advised that the Agency is rescinding its termination of Petitioner's EA benefits, with effective date of November 8, 2020, its denial of an extension of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty. Therefore, as Assistant Commissioner, Division of Family Development, Department of Human Services, I hereby ORDER and DIRECT the Agency to provide Petitioner with EA benefits, so long as she continues to remain eligible for same. Further, I find that this matter has now been rendered moot, and therefore, DISMISS Petitioner's appeal.

Accordingly, Petitioner's appeal now being deemed moot, the matter is hereby DISMISSED.

FEB 25 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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NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 09308-20 N.C.

AGENCY DKT. NO. S578415009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's expungement of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency expunged Petitioner's WFNJGA benefits, contending that he had failed to use said benefits for a period of five months. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 10, 2020, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the time to submit supplemental documentation to the Agency, and time for the Agency to review and respond to any submitted documentation. The record then closed on December 2, 2020.

On December 9, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that the Agency recaptured \$1,385 in WFNJ/GA benefits placed on Petitioner's Electronic Benefits Transfer ("EBT") card because he had failed to use those benefits for five months. See Initial Decision at 2; see also Exhibit R-2. However, due to Petitioner's stated disabilities and inability to access those WFNJ/GA benefits due to COVID-19, the Agency reinstated the \$1,385 onto Petitioner's EBT card. See Initial Decision at 2; see also Exhibit R-4. Nevertheless, Petitioner contended that the Agency had recaptured a total of \$1,651.80 in WFNJ/GA benefits, and therefore, he was owed an additional \$266.80. See Initial Decision at 2-3; see also Exhibits P-1, R-1. The ALJ found, and the record substantiates, that the Agency had only recaptured \$1,385, and that Petitioner had failed to support his claim with any credible documents evidencing that he was owed any additional WFNJ/GA benefits. See Initial Decision at 3; see also Exhibits P-2 through P-14, and R-2. Based on the foregoing, the ALJ concluded that Petitioner's appeal for the reinstatement of WFNJ/GA benefits was moot, and that his appeal for an additional reinstatement of \$266.80 in WFNJ/GA benefits was denied. See Initial Decision at 3-4. Accordingly, the ALJ affirmed the Agency's determination to reinstate \$1,385 of WFNJ/GA benefits to Petitioner. *Id.* at 4. 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 AFFIRMED.

Officially approved final version.

FEB 25 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 10738-20 J.E.

AGENCY DKT. NO. S485661012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of his application for Supplemental Nutrition Assistance Program ("SNAP") benefits, due to Petitioner's failure to provide all necessary information and documentation to determine eligibility. Petitioner further challenges the correctness of the Agency's claim for recoupment of SNAP benefits issued pending the outcome of Petitioner's prior unsuccessful fair hearing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On January 8, 2021, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On January 21, 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.

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 the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. One 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).

Here, the record reflects Petitioner had a prior fair hearing, under OAL docket number HPW 02983-20, through which Petitioner appealed the March 1, 2020, termination of SNAP benefits, due to Petitioner's failure to provide requested documentation. See Initial Decision 1; see also Exhibit R-6. An Initial Decision was rendered in that matter on August 20, 2020, upholding the Agency's termination, with a Final Agency Decision, adopting the Initial Decision, and affirming the Agency's determination, being issued on September 3, 2020. See Exhibit R-5. An Amended Final Decision, solely to acknowledge receipt of overdue Exceptions filed by Petitioner, was issued on September 22, 2020. Ibid. On or about



September 25, 2020, Petitioner submitted a new application for SNAP benefits. See Exhibit R-1D. On October 26, 2020, the Agency denied that application for SNAP benefits, also for failing to provide requested documentation and lack of verification. See Initial Decision at 2; see also Exhibit R-6D. Based upon the evidence presented at the hearing, the ALJ in this matter agreed with the Agency, and found that Petitioner had provided no substantiating documentation to support his various assertions, and as such, the ALJ concluded that the Agency's denial of Petitioner's application for SNAP benefits was proper and must be affirmed. See Initial Decision at 4; see also N.J.A.C. 10:87-2.14. I agree. The ALJ further found that, as a result of the Petitioner's prior fair hearing, Petitioner had receiving continued SNAP benefits pending a Final Agency Decision in that matter. See Initial Decision at 4. Petitioner was unsuccessful in his pursuit of that fair hearing, and the March 1, 2020, termination was upheld. See Exhibit R-6. As a result of the affirmance of the Agency's March 1, 2020, termination, from March 2020, through September 2020, Petitioner received SNAP benefits totaling \$1,358 to which he was not entitled, in the form of continued assistance pending the outcome of the fair hearing, and which must be repaid. See Initial Decision at 3, 4; see also N.J.A.C. 10:87-11.20(e)(2). I agree, and direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, the Initial Decision is ADOPTED, and the Agency determination is hereby AFFIRMED. The Agency is furthermore ORDERED to recoup the overissuance.

Officially approved final version.

FEB 25 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 11337-20 V.T.

AGENCY DKT. NO. C059186018 (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") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because the household's monthly unearned income from child support payments put the WFNJ/TANF assistance unit ("AU") over the maximum benefit eligibility level for receipt of WFNJ/TANF benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 19, 2021, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 25, 2021, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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 determination, based on the discussion below.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. See N.J.S.A. 44:10-56. TANF is a component of WFNJ that provides assistance to adults with dependent children. See N.J.A.C. 10:90-1.1(b). In evaluating an individual's eligibility for WFNJ/TANF benefits, all countable income and resources of all persons in the assistance unit of which the applicant or recipient is a member, unless exempt, must be considered. See N.J.A.C. 10:90-3.1(a), -3.9(a), -3.10(a), -3.19 and -3.20. Income includes monies received as child support payments. See N.J.A.C. 10:90-3.10(b).

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. 10:90-3.8(h) governing child support income, the total amount of child support received is considered income for purposes of WFNJ/TANF benefits eligibility. Eligibility for WFNJ/TANF benefits exists "provided that the total amount of child support received for that month is less than the monthly WFNJ grant amount." Once eligibility is established, the WFNJ/TANF benefits recipient retains up to \$100 of their total child support income, and that \$100, or any lesser amount retained, is disregarded as income. Ibid.; see also DFD Instruction 09-1-4.

Additionally, N.J.A.C. 10:90-3.11(a) states, "WFNJ eligibility and cash assistance benefit calculations shall be based on an estimate of the assistance unit's income, using income averaging and, other circumstances that will exist until the assistance unit reports a change in circumstances or at the time of case redetermination, whichever occurs first. The estimate of income is based on the assistance unit's and the agency's reasonable expectations and knowledge of current, past and future circumstances."

Here, the record reflects that the WFNJ/TANF benefits AU consists of Petitioner and her child. See Initial Decision at 2. In September, 2020, the Agency learned that Petitioner was receiving additional unearned income from child support payments. Ibid. Based upon an average of the child support payments from June, July, and August, 2020, it was determined that Petitioner was receiving \$676 per month in child support payments, and even after application of the \$100 disregard amount, the remaining \$576 was above the WFNJ/TANF benefit level of \$425, and Petitioner was no longer eligible for WFNJ/TANF benefits. Ibid.; see also Exhibit R-1, N.J.A.C. 10:90-3.3(b), -3.8(h), and DFD IT 19-21. The record further reflects that, in preparation for the hearing, the Agency recalculated the average of Petitioner's child support payments, using the child support payments received during November and December, 2020, averaging to \$596, which still is above the WFNJ/TANF benefit level after the application of the \$100 disregard. See Initial Decision at 2, 3; see also Exhibit R-1. Based on the foregoing, the ALJ found that Petitioner did not meet the financial eligibility criteria for continued WFNJ/TANF benefits, and therefore, the Agency's termination was proper and must stand. See Initial Decision at 3. I agree.

Additionally, Petitioner contended that she should have received WFNJ/TANF benefits pending the fair hearing. Ibid. However, based on the record presented, and in accordance with applicable regulatory authority, requiring that a request for a fair hearing be made within fifteen days from the Agency's adverse action, the ALJ found that Petitioner was not entitled to continued benefits pending the fair hearing. Ibid.; see also N.J.A.C. 10:90-9.3. I also agree, and further note, that when a benefits recipient is unsuccessful at a fair hearing, any continued benefits, paid pending the fair hearing, are subject to recoupment. See N.J.A.C. 10:90-3.21(a)(1).

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

FEB 25 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

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DIVISION OF FAMILY DEVELOPMENT

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Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 20-036631 K.B.

AGENCY DKT. NO. R1785827 (COMMUNITY CHILD CARE SOLUTIONS)

On or about December 1, 2020, the Bureau of Administrative Review and Appeals ("BARA") received Petitioner's request for an Administrative Review. Petitioner disputes the Respondent Agency's ("Agency") termination of her New Jersey Cares for Kids/Child Care Assistance Program ("NJCK/CCAP") child care subsidy application on redetermination.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed this matter, and hereby DISMISS this matter, as outlined below.

It is well-established that parents receiving subsidized child care services are in need of those child care services 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) and -5.3(a). Full-time employment (for child care eligibility) during a Redetermination means employment that totals 25 or more hours per week. See Child Care Operations Manual, III, General Provisions, (c) "Definitions"; see also N.J.A.C. 10:15-1.2, and DFD Instruction ("DFDI") 10-1-4. In the child care program, income is defined as the current gross income earned by all members of the family unit. See Child Care Operations Manual, III, General Provisions, section (c), "Definitions." It includes all earned and unearned income, and includes wages from salaries, overtime, tips, bonuses, commissions, winnings, and the like. See DFDI 09-6-6. A parent/applicant in receipt of subsidized child care services must provide the documentation and verification of eligibility requirements for the child care service program(s). See N.J.A.C. 10:15-2.7(a)(1).

A family may be granted one Temporary Change period of up to three months, once during a 12-month eligibility period. See DFDI 17-04-02. A Temporary Change is a condition, lasting for up to three months, when one of the following situations applies: (1) a time-limited absence from work for an employed parent for periods of family leave or medical leave; (2) an interruption in work for a seasonal worker who is not working between regular industry work seasons; (3) a student holiday or break for a parent participating in training or education; (4) a reduction in work, training or education hours, as long as the parent is still working or attending a training or education program; or (5) a cessation of work or attendance at a training or education program. *Ibid.* If a family experiences one of the above qualifying temporary changes in circumstances during their eligibility period, they will remain eligible to receive



the subsidy for three months. Ibid. Families that are not engaged in a work, school, or training activity when the Temporary Change period ends are no longer eligible for a child care subsidy. Ibid.

On December 11, 2020, BARA sent letters to Petitioner and the Agency requesting additional information necessary to conduct an Administrative Review. On December 31, 2020, the Agency responded by providing a copy of Petitioner's file. Petitioner did not respond.

The documentation provided establishes that on October 27, 2020, Petitioner filed an application for redetermination of eligibility for the NJCK/CCAP subsidy. On October 29, 2020, the Agency became aware of a second adult living in the household, and requested that Petitioner add the second adult to the application, and provide one month of paystubs for the second person. The Agency also requested that Petitioner write a letter explaining the relationship that the second person has to the Petitioner and Petitioner's children. On November 12, 2020, Petitioner, via letter, advised the Agency that there is only one adult and two children in the household. Petitioner also notified the Agency that her work hours had been reduced.

On November 18, 2020, Petitioner provided a Notification of Change Form, confirming that her employment hours were reduced. The Notification of Change form also indicated that since October 1, 2020, there was an eligible dependent over the age of 18 in the household, increasing the size of the household to four persons. On November 19, 2020, the Agency determined that Petitioner had experienced a Temporary Change in circumstance during her eligibility period, specifically, a reduction in work hours, and therefore, temporarily approved her to receive the NJCK/CCAP subsidy through January 31, 2021. See DFDI 17-04-02 at 2-3.

This office has been advised by the Agency, and confirmed, that Petitioner is now receiving a subsidy, and that Petitioner will continue to receive the NJCK/CCAP subsidy until November 30, 2021. Thereafter, Petitioner may reapply for a subsidy, should her circumstances warrant.

Accordingly, as Petitioner is now receiving a subsidy, I find that her request for Administrative Review is now moot, and this matter is therefore DISMISSED.

FEB 25 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner





State of New Jersey

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 20-036622 J.P.

AGENCY DKT. NO. R1807820 (CHILD CARE RESOURCES OF MONMOUTH CO.)

On or about November 12, 2020, the Bureau of Administrative Review and Appeals ("BARA") received Petitioner's request for an Administrative Review. Petitioner disputes the Respondent Agency's ("Agency") termination of her New Jersey Cares for Kids/Child Care Assistance Program ("NJCK/CCAP") child care subsidy application on redetermination.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed this matter, and hereby AFFIRM the Agency's action.

It is well-established that parents receiving subsidized child care services are in need of those child care services 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) and -5.3(a). Full-time employment (for child care eligibility) during a Redetermination means employment that totals 25 or more hours per week. See Child Care Operations Manual, III, General Provisions, (c) "Definitions"; see also N.J.A.C. 10:15-1.2, and DFD Instruction ("DFDI") 10-1-4. In the child care program, income is defined as the current gross income earned by all members of the family unit. See Child Care Operations Manual, III, General Provisions, section (c), "Definitions." It includes all earned and unearned income, and includes wages from salaries, overtime, tips, bonuses, commissions, winnings, and the like. See DFDI 09-6-6. A parent/applicant in receipt of subsidized child care services must provide the documentation and verification of eligibility requirements for the child care service program(s). See N.J.A.C. 10:15-2.7(a)(1).

Further, "[u]nder no circumstances, can a family's income exceed 85 percent of the State Median Income (SMI) for a family of the same size and remain eligible for assistance." See DFDI 17-04-02 at 2.

On December 11, 2020, BARA sent letters to Petitioner and the Agency requesting additional information necessary to conduct an Administrative Review. On December 22, 2020, Petitioner responded with documents. On January 11, 2020, the Agency responded by providing a copy of Petitioner's file. The documents provided by Petitioner and the Agency comprise the record for this Administrative Review.



The documentation provided establishes that Petitioner completed an application for redetermination of eligibility for the NJCK/CCAP subsidy in March, 2020. Petitioner included with her redetermination application, paystubs and documents reflecting child support income she received. Thereafter, on June 6, 2020, Petitioner provided a Notification of Change Form, informing the Agency that as of April 8, 2020, she no longer received child support income. Based upon the paystubs and the child support income documents included with Petitioner's redetermination application, Petitioner's gross annual income was calculated to be \$46,883.23. During a redetermination, the child care guidelines permit a family of two to earn, at most, \$43,100 a year in order to remain eligible for the subsidy. See DFDI No. 20-04-04 (Income Eligibility effective March 1, 2020).

On August 31, 2020, the Agency notified Petitioner that because her income had exceeded 250% of the Federal Poverty Level ("FPL"), she was eligible for the Gradual Phase-Out period, which granted her an additional year of child care assistance, beginning May 1, 2020, and ending April 30, 2021. The Gradual Phase-Out period allows for an additional year of child care assistance before ending services. At the time of this writing, this office has confirmed that Petitioner is currently receiving the subsidy, and that it will end on April 30, 2021.

I have reviewed the record, and based on the documentation presented, and for the reasons outlined above, I find that the Agency's decision to terminate Petitioner's subsidy was proper and must be affirmed.

Accordingly, the Agency's decision to terminate Petitioner's subsidy is hereby AFFIRMED. Petitioner will continue to receive the NJCK/CCAP subsidy under the Graduated Phase-Out period until April 30, 2021. Thereafter, Petitioner may reapply for a subsidy, should her circumstances warrant.

Officially approved final version.

FEB 25 2021

Natasha Johnson
Assistant Commissioner

