



State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
Acting Commissioner

SHEILA Y. OLIVER  
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON  
Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 09266-21 J.H.

AGENCY DKT. NO. C140605002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because the household's unearned income put the WFNJ/TANF assistance unit ("AU") over the maximum benefit eligibility level for continued receipt of WFNJ/TANF benefits. Petitioner's SNAP benefits were reduced due to household's increase in unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 30, 2021, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On December 7, 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.

In accordance with N.J.A.C. 10:90-3.1(a), when determining WFNJ eligibility, all countable income (both earned and unearned) and resources of all persons in an assistance unit of which the applicant or recipient is a member, are considered. (emphasis added).

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

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 three, such as Petitioner's, 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.



Here, the record reflects that the WFNJ/TANF benefits AU consists of Petitioner and two children. See Initial Decision at 2. The record reflects that, in November 2021, Petitioner began receiving monthly RSDI benefits, in the amount of \$1,068, on behalf of one of her children. See Initial Decision at 2. As Petitioner's AU now receives monthly unearned income from RSDI benefits, which exceeds the WFNJ/TANF maximum benefit level of \$559, the Agency determined that Petitioner is no longer eligible to receive WFNJ/TANF benefits. Ibid.; see also N.J.A.C. 10:90-3.3(b). While Petitioner asserts that the RSDI benefits received on behalf of the AU should not be countable towards WFNJ/TANF eligibility, applicable regulatory authority, cited above, demonstrates that Petitioner's assertion is misplaced. See N.J.A.C. 10:90-3.9(b), (e). Based on the foregoing, the ALJ concluded that the Agency had properly included the AU's RSDI benefits in its eligibility determination for continued WFNJ/TANF benefits, and as the amount of monthly RSDI benefits exceed the maximum allowable benefit of \$559, the termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 3. I agree.

With respect to the reduction of Petitioner's SNAP benefits, based on the record presented, the ALJ also affirmed the Agency's action, but further stated that the household continues to receive the maximum amount of SNAP benefits, due to the ongoing COVID-19 legislation, still in effect. See Initial Decision at 2, 3. I also agree. 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 benefits will decrease.

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

Officially approved final version.

DEC 17 2021

---

Natasha Johnson  
Assistant Commissioner

