



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 01559-21 I.R.

AGENCY DKT. NO. C274426009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he failed to provide required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 16, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 18, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had failed to provide the Agency with documentation indicating that he was facing actual or imminent eviction, required to determine EA benefits eligibility. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.3(a)(1)(ii). Moreover, the ALJ found that Petitioner was ineligible for Work First New Jersey ("WFNJ") cash benefits due to his monthly income exceeding the income eligibility level for such benefits, and therefore, because Petitioner was not a WFNJ or Supplemental Security Income benefits recipient, he was ineligible for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.2(a). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.

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

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

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



MAR 04 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner



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BARA003



State of New Jersey

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 01554-21 T.G.

AGENCY DKT. NO. C675431007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") for payment of back rent. The Agency denied Petitioner EA/TRA benefits, contending that she was seeking more than three-months back rent, and that the payment of three months back rent would not prevent eviction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 16, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 17, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that, at the time Petitioner applied for EA/TRA benefits in the form of back rent, she was already seven months behind in her rent, and regulatory authority only allows for the payment of more than three months back rent when extraordinary circumstances are proven. See Initial Decision at 2-3; see also Exhibit R-1 at 7, 22 and N.J.A.C. 10:90-6.3(a)(5)(i), -6.4(b)(1). Of note, at the time of the Agency's denial of EA/TRA benefits, Petitioner was eight months behind in her rent, and currently is ten months behind in her rent. See Initial Decision at 2; see also Exhibit R-1 at 13-16. Moreover, the Agency determined that the payment of three months back rent would not prevent Petitioner's eviction. See Initial Decision at 3-4; see also Exhibit R-1 at 13-16, and N.J.A.C. 10:90-6.3(a)(5). The ALJ found that Petitioner had failed to provide credible evidence showing that extraordinary circumstances existed such that the three month EA/TRA limit on the payment of back rent should be expanded, and that the Agency had properly determined that the payment of three months back rent would not prevent Petitioner's eviction. See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA/TRA benefits in the form of back rent to Petitioner was proper and must stand. *Id.* at 4; see also Exhibit R-1 at 13-16. 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. **MAR 04 2021**

Natasha Johnson
Assistant Commissioner





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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 01558-21 H.M.

AGENCY DKT. NO. S928380009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance, and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/GA benefits because his total monthly income put him over the maximum allowable benefit level for WFNJ/GA benefits, and the Agency terminated Petitioner's EA benefits because he was no longer a Work First New Jersey ("WFNJ") benefits recipient, nor was he a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 16, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 17, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that the Agency had properly terminated Petitioner's WFNJ/General Assistance ("GA") benefits upon learning that he had been receiving Unemployment Insurance Benefits ("UIB"), the receipt of which put him over the WFNJ/GA benefits income eligibility level for receipt of said benefits. See Initial Decision at 2-4; see also Exhibit R-2 at 4, and N.J.A.C. 10:90-3.3(b), -3.5(b). Therefore, because Petitioner was no longer a WFNJ benefits recipient, nor an SSI benefits recipient, the ALJ also found that Petitioner was ineligible for EA benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.2(a). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA and EA benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.

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

By way of comment, the 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.



By way of further comment, Petitioner is without prejudice to reapply for WFNJ benefits at such time as his UIB ends.

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

Officially approved final version.

MAR 04 2021

Natasha Johnson
Assistant Commissioner





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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 20-035991 J.C.

AGENCY DKT. NO. R1870202 (4C'S OF PASSAIC COUNTY, INC.)

On September 22, 2020, the Bureau of Administrative Review and Appeals ("BARA") received Petitioner's request for an Administrative Review. Petitioner disputes the Respondent Agency's ("Agency") denial of her New Jersey Cares for Kids/Child Care Assistance Program ("NJCK/CCAP") child care subsidy application.

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

It is well-established that families shall be eligible for a child care subsidy if they are in need of 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. 10:15-5.3(a). An individual in receipt of child care services must meet the income eligibility criteria and comply at all times with income eligibility requirements while in receipt of services. See N.J.A.C. 10:15-2.7(a)(8). In order to be eligible for subsidized child care services, an applicant's maximum annual gross income must not exceed 200% of the Federal Poverty Level ("FPL") Guidelines. See N.J.A.C. 10:15-5.2(b), -5.3(a); see also DFDI Instruction ("DFDI") No. 17-04-02.

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," p. 10. It includes all earned and unearned income, and includes wages from salaries, overtime, tips, bonuses, commissions, winnings, and the like. See DFDI No. 09-06-06.

On November 12, 2020, BARA sent letters to Petitioner and the Agency requesting additional information necessary to conduct an Administrative Review. Petitioner had previously provided documentation with her September 22, 2020, request for an Administrative Review. On December 3, 2020, Petitioner provided additional documents in response to BARA's request for same. Thereafter, on December 15, 2020, in response to BARA's request, the Agency provided documents. Petitioner's documents provided on September 22, 2020, and December 3, 2020, and the Agency's documents provided on December 15, 2020, comprise the record for this Administrative Review.



The documentation establishes that Petitioner had applied for a child care subsidy on September 3, 2020. Petitioner indicated that she had a family size of two. Paystubs included with Petitioner's application showed that she earned a gross income of \$673.09 weekly. The Agency then calculated Petitioner's annual gross income to be \$35,000.68 (\$673.09 x 52). The child care guidelines permit a family of two to earn, at most, \$34,480 a year in order to be eligible for the subsidy program. See DFDI No. 20-04-04 (Income Eligibility effective March 1, 2020). Based upon its calculation, the Agency denied Petitioner's application, by notice dated September 18, 2020.

Based on the record presented, and for the reasons as outlined above, I find that the Agency's decision to deny Petitioner's application was proper and must be affirmed. Petitioner is without prejudice to reapply for a child care subsidy should her circumstances warrant.

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

Officially approved final version.

MAR 04 2021

Natasha Johnson
Assistant Commissioner





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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 10373-20 V.R.

AGENCY DKT. NO. S564527012 (MIDDLESEX 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"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because the household's combined monthly unearned income from Unemployment Insurance Benefits ("UIB") and child support payments 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 26, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 16, 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 determinations, 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 four, such as Petitioner's, the maximum allowable benefit level is \$644. 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.

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/TANF benefits AU consists of Petitioner and her three children. See Initial Decision at 2. At the time of Petitioner's redetermination for WFNJ/TANF benefits, the Agency learned that Petitioner was UIB in the weekly amount of \$130, or the monthly amount of \$563 (\$130 x 4.333), and an average of \$203 additional unearned income from child support payments. *Ibid.*; see also N.J.A.C. 10:90-3.11(c)(1)(i). After application of the \$100 disregard amount, the remaining \$103 of child support payment monies was added to the monthly UIB income of \$563, for a total of \$666, which is above the WFNJ/TANF benefit level of \$644, the Agency determined that Petitioner was no longer eligible for WFNJ/TANF benefits and terminated said benefits. See Initial Decision at 2-3; see also Exhibit R-7, N.J.A.C. 10:90-3.3(b), -3.8(h), and DFD IT 19-21. Additionally, because Petitioner was no longer a WFNJ benefits recipient, by notice dated October 30, 2020, the Agency terminated Petitioner's EA benefits, effective December 1, 2020. See Initial Decision at 3; see also Exhibit R-8 and N.J.A.C. 10:90-6.2(a). Based on the evidence presented, the ALJ found that Petitioner was ineligible for WFNJ/TANF benefits, due to excess income, and because she was no longer a WFNJ benefits recipient, she was no longer eligible EA benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90-3.3(b), -6.2(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was proper and must stand. See Initial Decision at 4; see also Exhibits R-7, R-8. 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 benefits at such time that her UIB ends.

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

MAR 04 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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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 00628-21 V.H.

AGENCY DKT. NO. C052612007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Supplemental Nutrition Assistance Program ("SNAP") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On February 18, 2021, the Honorable Joann Lasala Candido, Administrative Law Judge ("ALJ"), convened a telephonic plenary hearing. At the beginning of that hearing, Petitioner was advised by the Agency that someone was claiming Unemployment Insurance Benefits ("UIB") under her social security number. It was agreed between the parties that Petitioner would contact unemployment, and thereafter, Petitioner withdrew her request for a fair hearing on the record. See Initial Decision at 2. Based upon that withdrawal, also on February 18, 2021, the ALJ issued an Initial Decision, dismissing Petitioner's appeal, as the case was no longer a contested matter before the OAL.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I find that, as Petitioner has withdrawn her request for a fair hearing in this matter, a contested case no longer exists and this matter has now been rendered moot. As such, I hereby DISMISS Petitioner's appeal.

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

Officially approved final version.

MAR 04 2021

Natasha Johnson
Assistant Commissioner





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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 00189-21 C.P.

AGENCY DKT. NO. C093754015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

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 February 5, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On February 18, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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

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 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.

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



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

Here, an independent review of the record reflects that Petitioner's SNAP household is comprised of ten people, including Petitioner, his wife and eight children. See Initial Decision at 2; see also Exhibit R-9. The record further shows that four of Petitioner's children receive Retirement, Survivors and Disability Insurance ("RSDI") benefits totaling amount \$4592 per month. See Exhibit R-13. Petitioner also receives earned income from the Personal Preference Program ("PPP") of \$747. See Exhibit R-12; see also Initial Decision at 2. While Petitioner asserted that that income should be excluded from SNAP eligibility calculations, the ALJ determined that such was not the case, as Petitioner himself is not the care recipient, rather his children are, and Petitioner receives the income as the hired care provider. See Initial Decision at 3, 5-6. After applying of a standard deduction of \$243 for a household of more than six persons, a medical deduction of \$387, and including \$1,630 shelter expense, and the Heating or Cooling Standard Utility Allowance ("HCSUA") of \$548, Petitioner's monthly SNAP net income was calculated to be \$6,340. See Exhibit R-12; see also DFDI Instruction ("DFDI") 20-09-04 at 11. For SNAP benefits eligibility, the maximum net income level for a household of ten persons is \$4,425. See DFDI 20-09-04 at 12. As Petitioner's calculated net income of \$6,340 exceeds the maximum income eligibility amount of \$4,425, Petitioner is not eligible for SNAP benefits. Ibid. As such, I agree with the ALJ's final conclusion in this matter that the Agency's denial of SNAP benefits to Petitioner was proper and must be affirmed. See Initial Decision at 6; see also Exhibit R-1.

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

Officially approved final version. MAR 04 2021

Natasha Johnson
Assistant Commissioner





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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 01927-21 R.S.

AGENCY DKT. NO. C062024005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

R.S. and J.F. ("Petitioners") appeal from the Respondent Agency's denial of their application for Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioners EA benefits, and imposed a six-month EA ineligibility penalty, contending that they had caused their own emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 25, 2021 the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 26, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioners applied for, and were offered, EA benefits in the form of shelter placement in Cumberland County. See Initial Decision at 3-4. However, Petitioners refused the offered shelter placement, choosing, rather, to reside in various motels in Cape May County, which Petitioners' themselves paid for, and to apply for EA benefits in Cape May County. *Id.* at 4; see also Exhibits R-2, R-3, R-9. Petitioners testified that they had refused shelter placement in Cumberland County because R.F.'s children would be unable to visit them if they resided at a shelter, and instead chose to move to Cape May County where they would be placed into a motel and be able to have R.F.'s children visit. See Initial Decision at 4; see also Exhibit R-3. Based on the testimony and evidence provided, the ALJ concluded that Petitioners had caused their own homelessness by refusing shelter placement in Cumberland County, and had failed to show good cause for such refusal, as a motel placement in Cape May County would not have addressed Petitioners' need for more suitable housing where J.F.'s children could visit. See Initial Decision at 5-6. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioners, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. *Id.* at 6-7; see also Exhibit R-1, 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.



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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.

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Natasha Johnson
Assistant Commissioner





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DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 10154-20 K.E.

AGENCY DKT. NO. C252707020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits because Petitioner's income from Unemployment Insurance ("UI") benefits 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 January 12, 2021, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On February 24, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed electronically on March 8, 2021, by counsel for Petitioner.

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. Further, N.J.A.C. 10:87-5.5(a)(2) specifically includes "unemployment compensation" as unearned income which to be included when determining a household's 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.

Under the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), individuals receiving UI benefits, were entitled to also receive an additional \$600 per week, known as Federal Pandemic Unemployment Compensation ("FPUC"). See Pub. L. 116 – 136, section 2104(b)(1)(B). FPUC payments would end on or before July 31, 2020. *Id.* at 2104(e)(2). Like other UI benefits, FPUC



payments are included as unearned income when determining SNAP benefits eligibility. See DFDI Instruction ("DFDI") 21-02-05 at 3.

The record in this matter indicates that Petitioner applied for SNAP benefits on May 11, 2020. See Initial Decision at 2. During her telephone interview with the Agency on July 30, 2020, Petitioner advised that she had received her final FPUC payment of \$600 on July 26, 2020. Ibid. However, based upon the information it had in its possession, namely, the documentation from the New York Department of Labor, that Petitioner was receiving weekly UI benefits of \$504, and the weekly FPUC of \$600, the Agency issued an adverse action notice on August 25, 2020, denying Petitioner's application for SNAP benefits, effective August 13, 2020, due to Petitioner's income exceeding the permissible level for receipt of SNAP benefits. See Initial Decision at 2, 3; see also N.J.A.C. 10:87-6.16(d)(2), Exhibits P-4, P-5, and DFDI 19-09-01 at 13. Thereafter, on September 26, 2020, Petitioner reapplied for SNAP benefits, and was subsequently approved for same on November 4, 2020, with retroactive SNAP benefits awarded for September and October, 2020. See Initial Decision at 5. Thus, the issue remaining at this time is whether Petitioner should be deemed eligible for SNAP benefits for the month of August, 2020. See Initial Decision at 3.

While the SNAP regulations do speak to delays in processing, see N.J.A.C. 10:87-2.27, it is clear that the delays caused by the onset of the COVID-19 pandemic were not foreseeable and are clearly not those envisioned by the regulations. As a result of the onset of the pandemic, backlogs in the processing of SNAP applications, as well as welfare benefits applications in general, occurred as Agencies throughout this state had to resolve the challenges brought on by transitioning to working remotely, and with decreases in staff onsite at their regular office locations. Despite the delays in processing caused by the pandemic, those individuals found eligible to receive SNAP benefits were awarded said benefits retroactive to the date of their application, in accordance with regulatory authority, thus with no prejudice to the applicant. See N.J.A.C. 10:87-2.27(g)(1)(i).

Turning to the present matter, based on an independent review of the record, it is clear that Petitioner began receiving UI compensation through the State of New York effective March 16, 2020. See Exhibit P-12. It is also clear that, based upon Petitioner's receipt of weekly UI benefits of \$504, and weekly FPUC of \$600, Petitioner was over income for receipt of SNAP benefits during the months of May, June, and July, 2020, as her total gross income was \$4,784, and the maximum permissible gross income for SNAP benefits eligibility, for a household of three persons, was \$3,289. See Exhibits P-3, P-4, P-5, P-10 and P-12; see also DFDI 19-09-01 at 13, and DFDI 21-02-05 at 3. On this basis, I find that the Agency properly denied Petitioner's May 11, 2020, application for SNAP benefits on August 25, 2020, and effective August 13, 2020, and, but for the onset of the pandemic, that denial would have occurred at an earlier date. See Exhibit P-4; see also N.J.A.C. 10:87-2.27(g)(1). Thereafter, as a result of the denial of the May 11, 2020, application, in order to again be considered for SNAP benefits, Petitioner needed to submit a new application. The record in this matter shows that Petitioner then submitted a new application in late September, on September 26, 2020, a month and a day after the issuance of the Agency's denial of Petitioner's May 11, 2020, application. Furthermore, Petitioner was subsequently awarded benefits retroactive to the month of that subsequent application, September, 2020. See Initial Decision at 5. Based on the foregoing, I find that Petitioner was not eligible for SNAP benefits in August, 2020. The Initial Decision is modified to include the above finding.

The ALJ also concluded that the Agency's delay in processing Petitioner's SNAP benefits application, as well as Petitioner's omission in turning over full UI payment history until January 12, 2021, did not evidence "that the parties acted irresponsibly." See Initial Decision at 5. I also agree.

By way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

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



Officially approved final version.

MAR 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

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 08817-20 A.F.

AGENCY DKT. NO. C013390010 (HUNTERDON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey ("WFNJ") benefits in the form of car maintenance assistance. The Agency denied such WFNJ benefits, contending that the car repair estimates exceed the allowable benefit maximum, and that such car maintenance assistance was not necessary as work requirements were suspended due to COVID-19. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 13, and October 27, 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, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

Here, the ALJ found that regulatory authority allowed for Petitioner to receive up to \$800 in car maintenance assistance, and that if such assistance was provided, he would be able to engage in work or look for work. See Initial Decision at 4-6; see also N.J.A.C. 10:90-5.4(a), -5.5(a)(1). The ALJ found that the bases relied upon by the Agency to deny such WFNJ benefits to Petitioner, were insufficient to sustain such a denial. See Initial Decision at 5; see also Exhibit R-1. More specifically, the ALJ found that the Agency's denial of said WFNJ benefits to Petitioner, on the bases that he had failed to provide three car repair estimates, that he was working less than 20 hours per week, and that the work requirements were waived due to COVID-19, was not consistent with the relevant regulatory authority. See Initial Decision at 2, 5; see also Exhibit R-1, and N.J.A.C. -5.5(a)(1). I agree.

However, I find that Petitioner's receipt of \$800 in WFNJ car maintenance assistance is contingent upon Petitioner providing proof to the Agency that the totality of the necessary car repairs will be completed by a reputable auto repair shop, for the total amount of \$800. See N.J.A.C. 10:90-5.5(a)(1). See Initial Decision at 3-4; see also Exhibit R-1. Also, I find that if Petitioner fails to provide such proof to the Agency within 30 days from the date of the issuance of this Final Agency Decision, the Agency's denial



of WFNJ benefits, in the form of car maintenance assistance to Petitioner, will stand as issued. Also, the Agency is directed to pay any such car repair payments directly to the vendor/auto repair shop. The Initial Decision and the Agency's determination are modified to reflect this finding.

By way of comment, the Agency submitted into the record a car repair estimate, totaling \$754.59, and Petitioner is advised to reach out to that auto repair shop for service. See Exhibit R-1.

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

MAR 11 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
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 11294-20 B.F.

AGENCY DKT. NO. C152029003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner's application for WFNJ/TANF benefits because the household's monthly 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. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 25, 2021, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 10, 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 unemployment compensation. See N.J.A.C. 10:90-3.9(a).

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, reapplicant 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 initial maximum allowable income level for is \$839. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.

Here, the record reflects that Petitioner applied for WFNJ/TANF benefits in October, 2020, on behalf of himself and his two dependent children. See Initial Decision at 2; see also Exhibit R-2. The record further reflects that Petitioner has been receiving weekly UIB, in the gross amount of \$231, since April, 2020. See Initial Decision at 2; see also Exhibit R-5. After utilizing the correct multiplier of 4.333, times Petitioner's weekly gross UIB benefits, results in a monthly income amount of \$1,000.92, which is above the WFNJ/TANF income eligibility amount for an AU of three persons of \$839. See N.J.A.C. 10:90-3.11(c)(1)(i); see also N.J.A.C. 10:90-3.3(a) and DFD IT No. 19-21. Based on the foregoing, the Agency denied Petitioner WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibit R-1. While Petitioner asserted that his monthly income for WFNJ/TANF eligibility should not include monies garnished from his UIB for child support, the ALJ found that WFNJ/TANF income eligibility is based on gross income, before any garnishments, and that there was no regulatory provision to exclude the garnishment amounts from Petitioner's monthly gross income. See Initial Decision at 3-4. Based on the foregoing, the ALJ found that Petitioner did not meet the income eligibility for WFNJ/TANF benefits, and therefore, the Agency's denial of Petitioner's application for WFNJ/TANF benefits was proper and must stand. *Id.* at 4. I agree.

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

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

MAR 18 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
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 01439-21 F.B.

AGENCY DKT. NO. S737922009 (HUDSON COUNTY DEPT OF FAM 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 March 9, 2021, the Honorable Joann Lasala Candido, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Also on March 9, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have 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 Retirement, Survivors and Disability Insurance ("RSDI") benefits, and now receives recurring monthly RSDI benefits in the amount \$1,174.00. See Initial Decision at 1. As Petitioner's monthly unearned income from RSDI benefits



exceeds the unemployable WFNJ/GA maximum benefit level of \$277, Petitioner is no longer eligible for WFNJ/GA benefits. See Initial Decision at 2; 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 2. I agree. 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 was also proper and must stand. Ibid.; see also 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 his 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.

MAR 18 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 01957-21 G.D.

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

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he refused appropriate housing offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for December 29, 2020, but Petitioner had a failed to appear due to a good cause medical condition. On March 1, 2021, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 2, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that when Petitioner applied for EA benefits, he presented with certain medical and mental health issues which the Agency addressed by referring him to the Substance Abuse Initiative/ Behavioral Health Initiative ("SAI/BHI") program and by offering him housing placement in a residential facility. See Initial Decision at 2-3; see also Exhibits R-2, R-4 through R-7, and R-9. Although Petitioner completed his SAI/BHI assessment, he failed to take part in the SAI/BHI program and refused the residential housing placement offered by the Agency. See Initial Decision at 2-3; see also Exhibit R-8. Consequently, the Agency denied EA benefits to Petitioner. See Initial Decision at 2; see also Exhibit R-1. Petitioner testified that he had lied about having mental health issues when he applied for EA benefits in order to get housing, and that he had refused residential housing because he is a private person who likes his privacy, and as such, he believes that he belongs in a private placement. See Initial Decision at 3. Based on the testimony and evidence presented, and in accordance with regulatory authority, the ALJ found that the Agency had offered appropriate housing to Petitioner, and that Petitioner had refused such housing placement, without good cause. *Id.* at 3-4; see also N.J.A.C. 10:90-6.3(a)(1). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.

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



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

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

MAR 18 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

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

SHEILA Y. OLIVER
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 002268-21 M.G.

AGENCY DKT. NO. C059029020 (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 she failed to pay her share of shelter costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 8, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 12, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner receives \$814 per month in Supplemental Security Income ("SSI") benefits, and that she was required to pay 30 percent of her SSI income of \$244 per month for her share of shelter costs. See Initial Decision at 3-4; see also Exhibit R-1 at 3, 4 and N.J.A.C. 10:90-6.5(a). The record also reflects that due to a rent forbearance, extended by the shelter to its residents from March 2020, through October 2020, Petitioner was not required to pay her 30 percent portion of the shelter costs during that time. See Initial Decision at 3. Petitioner was advised by both the shelter and the Agency that she was responsible for paying her share of the shelter costs for November and December 2020, or her shelter placement would terminate. *Ibid.*; see also Exhibit R-1 at 2, 5. Petitioner admitted that she had not paid her November 2020, or December 2020, share of shelter costs, claiming that she did not have enough money in her checking or savings accounts to do so because she had used her funds to pay for her cell phone, storage, and unspecified fines. *Id.* at 3-4. The ALJ in this matter found that Petitioner had \$700 in her account(s) at the time she was required to pay her share of the shelter costs, that she had the opportunity to save close to \$2,000 during said rent forbearance in anticipation of having to begin paying her portion of the shelter costs, but nevertheless, she had admittedly failed to pay her share of shelter costs. *Id.* at 4-5. Further, the ALJ found that Petitioner could not adequately account for the living expenses she claimed that she had paid. *Id.* at 5. Based on the foregoing, the ALJ found that Petitioner failed to pay her 30 percent of shelter costs, required by regulatory authority, and that consequently, she was terminated from her shelter placement, thereby causing her own homelessness. *Id.* at 5-6. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper, and imposed a six-month period of ineligibility for EA benefits upon Petitioner. *Id.* at 6; see also Exhibit R-1 at 10, and N.J.A.C. 10:90-6.1(c)(3), -6.5(a). I agree, however, in light of



the present COVID-19 protocol, no six-month EA ineligibility penalty shall be imposed. See Division of Family Development Instruction ("DFDI") 21-02-03.

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.

MAR 18 2021

Natasha Johnson

Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

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

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 10209-20 J.N.

AGENCY DKT. NO. C074901003 (BURLINGTON 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"), and Emergency Assistance ("EA"), 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 combined 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. 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. A plenary hearing was originally scheduled for December 7, 2020, in Petitioner's companion matter, but that case was consolidated with the present matter and then heard on December 21, 2020. On that date, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open for the parties to submit additional documentation, and then closed on January 22, 2021. On February 11, 2021, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were filed by Petitioner on February 22, 2021.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

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 unemployment compensation. See N.J.A.C. 10:90-3.9(a).

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 six, such as Petitioner's, the maximum allowable benefit level is \$814. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

N.J.A.C. 10:90-3.11(e) requires that WFNJ benefits recipients must report any change in unearned income or circumstances that could affect eligibility to the Agency no later than 10 calendar days after the date the change occurred.

Under the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), individuals receiving UI benefits, were entitled to also receive an additional \$600 per week, known as Federal Pandemic Unemployment Compensation ("FPUC"). See Pub. L. 116 – 136, section 2104(b)(1)(B). FPUC payments would end on or before July 31, 2020. *Id.* at 2104(e)(2). Like other UI benefits, FPUC payments are included as unearned income when determining SNAP benefits eligibility. See DFD Instruction ("DFDI") 21-02-05 at 3.

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/TANF benefits AU consists of Petitioner, her husband, and four children, and that the AU began receiving WFNJ/TANF benefits in September, 2019. See Initial Decision at 2, 4. The record further reflects that Petitioner filed for UI benefits on May 24, 2020. See Exhibit R-13 at 1. Petitioner was subsequently approved for UI benefits, and began receiving weekly benefits in the amount of \$231 on June 30, 2020, with retroactive benefits awarded to May 30, 2020. *Id.* at 5. After utilizing the correct multiplier of 4.333, times Petitioner's weekly gross UIB benefits, results in a monthly income amount of \$1,000.92, which is above the WFNJ/TANF income eligibility amount for an AU of four persons of \$839. See N.J.A.C. 10:90-3.11(c)(1)(i); see also N.J.A.C. 10:90-3.3(a) and DFD IT No. 19-21. Moreover, the record further reflects that Petitioner received an additional \$600 per week in FPUC funds through July, 2020, and that in June 2020, Petitioner's husband also received weekly UIB in the amount of \$634, covering six weeks in April and May, 2020. See Exhibits R-1, R-14.

During the redetermination for the AU's WFNJ/TANF benefits in September, 2020, the Agency discovered that Petitioner was receiving UIB, and that Petitioner had not notified the Agency of same. See Initial Decision at 3. While both Petitioner and her spouse assert that they had notified the Agency of Petitioner's receipt of UIB during the redetermination telephone call, neither recalls the case worker's name to whom this information was conveyed, and there is no documentation of this claim. *Id.* at 4, 7. Thereafter, by notice dated September 14, 2020, the Agency terminated Petitioner's WFNJ/TANF benefits effective October 1, 2020, and by notice dated September 24, 2020, the Agency terminated Petitioner's EA benefits effective October 24, 2020. See Exhibits R-7, R-8.

Based on the foregoing facts and the evidence presented, the ALJ found that Petitioner was ineligible for WFNJ/TANF benefits, due to excess income from receipt of UIB, and because she was no longer a WFNJ benefits recipient, she was also no longer eligible EA benefits. See Initial Decision at 6-7; see also N.J.A.C. 10:90-3.3(b), -6.2(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was proper and must stand. See Initial Decision at 8; see also Exhibits R-7, R-8. I agree.

Finally, Petitioner asserts that the unemployment compensation that she and spouse have received should be categorized as "disaster" relief, rather than "pandemic" relief, and therefore exempt income in accordance with N.J.A.C. 10:90-3.19. The ALJ in this matter opined that the categorization of "Pandemic Unemployment Assistance" ("PUA"), speaks for itself. See Initial Decision at 7. I agree, as the plain language of the CARES Act, clearly utilizes the word "pandemic." See Pub. L. 116 – 136, section 2102. Moreover, the excluded disaster relief stated in N.J.A.C. 10:90-3.19 is "[m]ajor disaster and emergency assistance granted under Section 105 of P.L. 100-707, the Disaster Relief and Emergency Assistance Amendments of 1988, including FEMA," which is not the unemployment compensation at issue in this matter. See N.J.A.C. 10:90-3.19(a)(13)(ix)(14). As such, I find that



the unemployment compensation received by Petitioner and her spouse are included for both WFNJ and SNAP eligibility determinations as unearned income. See N.J.A.C. 10:90-3.9(a); see also DFDI 20-10-03 at 1.

By way of comment, while the ALJ stated that the household continues to receive the maximum amount of SNAP benefits, due to the ongoing COVID-19 pandemic, 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. See Exhibit R-7 (showing the revised SNAP allotment calculations for Petitioner's household with the increased income from UIB, resulting in a reduction of SNAP benefits).

By further 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, as outlined above.

Officially approved final version.

MAR 1 8 2021

Natasha Johnson

Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 21-037838 Y.C.

AGENCY DKT. NO. R1875500 (URBAN LEAGUE OF HUDSON COUNTY)

On January 7, 2021, the Bureau of Administrative Review and Appeals ("BARA") received Petitioner's request for an Administrative Review. Petitioner disputes the Respondent Agency's ("Agency") denial of her New Jersey Cares for Kids/Child Care Assistance Program ("NJCK/CCAP") child care subsidy application.

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

It is well-established that families shall be eligible for a child care subsidy if they are in need of 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. 10:15-5.3(a). An individual in receipt of child care services must meet the income eligibility criteria and comply at all times with income eligibility requirements while in receipt of services. See N.J.A.C. 10:15-2.7(a)(8). In order to be eligible for subsidized child care services, an applicant's maximum annual gross income must not exceed 200% of the Federal Poverty Level ("FPL") Guidelines. See N.J.A.C. 10:15-5.2(b), -5.3(a); see also DFD Instruction ("DFDI") No. 17-04-02.

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," p. 10. It includes all earned and unearned income, and includes wages from salaries, overtime, tips, bonuses, commissions, winnings, and the like. See DFDI No. 09-06-06. Child support payments are considered unearned income for purposes of child care subsidy eligibility. See DFDI No. 12-12-08.

On January 28, 2021, BARA sent letters to Petitioner and the Agency requesting additional information necessary to conduct an Administrative Review. Both parties responded accordingly.

The documentation establishes that Petitioner applied for a child care subsidy on October 16, 2020. On the application, Petitioner indicated that she had a family size of two. From the paystubs provided with the application, Petitioner's gross annual income from employment was calculated to be \$35,412. The child care guidelines permit a family of two to earn, at most, \$34,480 a year in order to be eligible for



the subsidy program. See DFDI No. 20-04-04 (Income Eligibility effective March 1, 2020). Based upon its calculation, the Agency denied Petitioner's application by notice dated December 9, 2020.

I have reviewed the record, and based on the documentation presented, and for the reasons as outlined above, I find that the Agency's decision to deny Petitioner's application was proper and must be affirmed. Petitioner is without prejudice to reapply for a child care subsidy should her circumstances warrant.

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

MAR 18 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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SARAH ADELMAN
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NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 09666-20 J.N.

AGENCY DKT. NO. C074901003 (BURLINGTON 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"), and Emergency Assistance ("EA"), 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 combined 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. 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. A plenary hearing was originally scheduled for December 7, 2020, in Petitioner's companion matter, but that case was consolidated with the present matter and then heard on December 21, 2020. On that date, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open for the parties to submit additional documentation, and then closed on January 22, 2021. On February 11, 2021, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were filed by Petitioner on February 22, 2021.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

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 unemployment compensation. See N.J.A.C. 10:90-3.9(a).

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 six, such as Petitioner's, the maximum allowable benefit level is \$814. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

N.J.A.C. 10:90-3.11(e) requires that WFNJ benefits recipients must report any change in unearned income or circumstances that could affect eligibility to the Agency no later than 10 calendar days after the date the change occurred.

Under the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), individuals receiving UI benefits, were entitled to also receive an additional \$600 per week, known as Federal Pandemic Unemployment Compensation ("FPUC"). See Pub. L. 116 – 136, section 2104(b)(1)(B). FPUC payments would end on or before July 31, 2020. Id. at 2104(e)(2). Like other UI benefits, FPUC payments are included as unearned income when determining SNAP benefits eligibility. See DFD Instruction ("DFDI") 21-02-05 at 3.

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/TANF benefits AU consists of Petitioner, her husband, and four children, and that the AU began receiving WFNJ/TANF benefits in September, 2019. See Initial Decision at 2, 4. The record further reflects that Petitioner filed for UI benefits on May 24, 2020. See Exhibit R-13 at 1. Petitioner was subsequently approved for UI benefits, and began receiving weekly benefits in the amount of \$231 on June 30, 2020, with retroactive benefits awarded to May 30, 2020. Id. at 5. After utilizing the correct multiplier of 4.333, times Petitioner's weekly gross UIB benefits, results in a monthly income amount of \$1,000.92, which is above the WFNJ/TANF income eligibility amount for an AU of four persons of \$839. See N.J.A.C. 10:90-3.11(c)(1)(i); see also N.J.A.C. 10:90-3.3(a) and DFD IT No. 19-21. Moreover, the record further reflects that Petitioner received an additional \$600 per week in FPUC funds through July, 2020, and that in June 2020, Petitioner's husband also received weekly UIB in the amount of \$634, covering six weeks in April and May, 2020. See Exhibits R-1, R-14.

During the redetermination for the AU's WFNJ/TANF benefits in September, 2020, the Agency discovered that Petitioner was receiving UIB, and that Petitioner had not notified the Agency of same. See Initial Decision at 3. While both Petitioner and her spouse assert that they had notified the Agency of Petitioner's receipt of UIB during the redetermination telephone call, neither recalls the case worker's name to whom this information was conveyed, and there is no documentation of this claim. Id. at 4, 7. Thereafter, by notice dated September 14, 2020, the Agency terminated Petitioner's WFNJ/TANF benefits effective October 1, 2020, and by notice dated September 24, 2020, the Agency terminated Petitioner's EA benefits effective October 24, 2020. See Exhibits R-7, R-8.

Based on the foregoing facts and the evidence presented, the ALJ found that Petitioner was ineligible for WFNJ/TANF benefits, due to excess income from receipt of UIB, and because she was no longer a WFNJ benefits recipient, she was also no longer eligible EA benefits. See Initial Decision at 6-7; see also N.J.A.C. 10:90-3.3(b), -6.2(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was proper and must stand. See Initial Decision at 8; see also Exhibits R-7, R-8. I agree.

Finally, Petitioner asserts that the unemployment compensation that she and spouse have received should be categorized as "disaster" relief, rather than "pandemic" relief, and therefore exempt income in accordance with N.J.A.C. 10:90-3.19. The ALJ in this matter opined that the categorization of "Pandemic Unemployment Assistance" ("PUA"), speaks for itself. See Initial Decision at 7. I agree, as the plain language of the CARES Act, clearly utilizes the word "pandemic." See Pub. L. 116 – 136, section 2102. Moreover, the excluded disaster relief stated in N.J.A.C. 10:90-3.19 is "[m]ajor disaster and emergency assistance granted under Section 105 of P.L. 100-707, the Disaster Relief and Emergency Assistance Amendments of 1988, including FEMA," which is not the unemployment compensation at issue in this matter. See N.J.A.C. 10:90-3.19(a)(13)(ix)(14). As such, I find that



the unemployment compensation received by Petitioner and her spouse are included for both WFNJ and SNAP eligibility determinations as unearned income. See N.J.A.C. 10:90-3.9(a); see also DFDI 20-10-03 at 1.

By way of comment, while the ALJ stated that the household continues to receive the maximum amount of SNAP benefits, due to the ongoing COVID-19 pandemic, 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. See Exhibit R-7 (showing the revised SNAP allotment calculations for Petitioner's household with the increased income from UIB, resulting in a reduction of SNAP benefits).

By further 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, as outlined above.

Officially approved final version.

MAR 18 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 01868-21 J.D.

AGENCY DKT. NO. S790729009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner challenges the Respondent Agency's correctness of her Emergency Assistance ("EA") placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for February 23, 2021, but adjourned. The matter was rescheduled, and on February 25, 2021, a telephonic plenary hearing was held before the Honorable Elissa Mizzone Testa, Administrative Law Judge ("ALJ"). Also on February 25, 2021, the ALJ issued an Initial Decision, dismissing Petitioner's appeal.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency's EA placement.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." Such emergency housing may include placement in a shelter. Ibid.

The record in this matter reflects that, on February 25, 2021, Petitioner and the Agency's representative appeared for the scheduled hearing via telephone due to the COVID pandemic and applicable restrictions. See Initial Decision at 2. While conferencing the matter with the parties prior to commencement of the hearing, Petitioner suddenly left the telephone conference and did not call back.

Ibid. Based upon Petitioner's failure to remain on the phone to conduct the hearing, the ALJ determined that Petitioner had abandoned her request for a hearing in the matter and dismissed the case. Ibid.

Based on the foregoing, I find that Petitioner abandoned her appeal in this matter and, therefore, I affirm the Agency's EA placement in this matter.

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



Officially approved final version.

MAR 25 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
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SARAH ADELMAN
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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 01338-21 T.P.

AGENCY DKT. NO. S420688014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner challenges the Respondent Agency's termination of her Supplemental Nutrition Assistance Program ("SNAP") benefits because she no longer resides in Morris County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic plenary hearing was scheduled for March 11, 2021, before the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"). On March 12, 2021, the ALJ issued an Initial Decision, dismissing Petitioner's appeal.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency's termination of Petitioner's SNAP benefits.

In accordance with N.J.A.C. 10:87-3.2, a household must be a resident of the county in which they file an application for participation, and may not participate in more than one county in any month, unless the individuals have moved into a shelter for batter women and children.

Here, the record in this matter reflects that Petitioner no longer resides in Morris County, and she conceded same at the fair hearing before the ALJ. See Initial Decision at 2. Further, Petitioner also conceded that she is presently receiving SNAP benefits in her new county of residence. Ibid. Petitioner asserted that she was owed three months of SNAP benefits from several years prior. Ibid. However, the ALJ correctly informed Petitioner that that issue was not before the ALJ for consideration, at which point, Petitioner hung up from the telephonic fair hearing. Ibid. Petitioner did not call back in to complete the hearing, and the ALJ therefore dismissed Petitioner's appeal. Ibid.

Based on the foregoing, I find that Petitioner abandoned her appeal in this matter and, therefore, I affirm the Agency's termination of Petitioner's SNAP benefits and dismiss the case.



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

Officially approved final version.

MAR 25 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 01097-21 M.K.

AGENCY DKT. NO. C079584018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's calculation of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. Petitioner's SNAP benefits allotment was reduced at recertification due to the inclusion of the previously unreported Retirement, Survivors and Disability Insurance ("RSDI") benefits of Petitioner's wife. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 2, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 9, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87-1.1(a).

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

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 Petitioner and his wife, and that the household's monthly gross income totals \$1,986, comprised of combined monthly RSDI benefits received by both Petitioner and his wife. See Exhibit R-1 at 6, 7, 9, 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 two, and the excess medical deduction over \$35.00, or \$114 (\$149 - \$35), from the total of \$1,986 the household's income is reduced to \$1,705. See N.J.A.C. 10:87-6.16(b)(4); see also DFDI Instruction ("DFDI") 20-09-04 at 11. Next, is to determine if Petitioner receives a shelter deduction and if so, how much. Petitioner's shelter costs are \$0, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which equals \$548. See N.J.A.C. 10:87-6.16(b)(8); see also DFDI 20-09-04 at 11 and Exhibit R-1 at 6. Subtracted from that amount is 50% of Petitioner's income after the above deductions, or half of \$1,705, which is \$852.50, (\$548 - \$852.50), resulting in a negative number, and therefore no excess shelter deduction is given in this case. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions (((\$1,986 - \$167 - \$114) - \$0), resulting in a net monthly SNAP income of \$1,705. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit R-1 at 5, 6. That amount is then multiplied by .3 and rounded up, or \$512. 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, \$374 - \$512, 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 two persons, Petitioner's household is eligible for the minimum allotment amount, which, at the time of the Agency's determination in this matter, was \$16, and which was so reflected on the Agency's November 16, 2020, adverse action notice. See N.J.A.C. 10:87-12.6(a)(2); see also 7 CFR 273.10(e)(2)(ii)(C), DFDI 20-09-04 at 2, 11, and Exhibit R-1 at 11. I do note that both the maximum and minimum SNAP benefits allotments were increased by 15 percent, for the period January 1, 2021, through June 30, 2021, thus raising the minimum allotment amount for a household of one or two persons to \$19. See DFDI 21-02-05. 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 4; see also Exhibit R-1 at 11. The Initial Decision is modified to reflect the above analysis and findings.

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

MAR 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

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 10975-20 C.H.

AGENCY DKT. NO. C061581003 (BURLINGTON 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 had violated motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 13, 2021, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow submissions by the parties, and then closed on January 21, 2021.

On February 11, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found Petitioner credible when she refuted the motel claims that she had violated motel rules by fighting with other motel residents on three separate occasions. See Initial Decision at 3-4; see also Exhibit R-4. The record also indicates that the police were not called, nor any police report issued, on any of the three alleged altercations. See Initial Decision at 3. Petitioner admitted to having engaged in one or two altercations with the motel manager, however, the ALJ found that, although regrettable, Petitioner's actions were understandable considering the manager's use of unacceptable language aimed toward Petitioner. Id. at 2, 4. The ALJ also found that Petitioner has had no further violation issues since relocating to another motel. Id. at 4. Finally, the ALJ found that the Agency had failed to provide any residuum of competent evidence to corroborate the alleged motel violation. Id. at 5; see also Exhibit R-4, and N.J.A.C. 1:1-15.5. Based on the foregoing, the ALJ concluded that the Agency's termination of EA benefits, and imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial 4-5; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(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.



Officially approved final version.

MAR 25 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 09986-20 M.N.

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

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that upon redetermination for continued WFNJ/GA benefits, Petitioner failed to provide required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 29, 2020, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to provide documentation. Documentation was provided by Petitioner, without objection, and the record then closed on February 7, 2021.

On February 12, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ determined that the sole issue presented was whether the Agency had properly terminated Petitioner's WFNJ/GA benefits, for failure to provide documentation upon his redetermination for continued WFNJ/GA benefits eligibility. See Initial Decision at 3. The ALJ found that, in accordance with Executive Order 103, issued by the Governor of New Jersey in response to COVID-19, the requirement for a redetermination of WFNJ benefits may be temporarily suspended or modified by the Agency. *Id.* at 6-7. Although the ALJ had stated that it could not be determined if the Agency had extended or modified the WFNJ/GA redetermination process, the ALJ did find that Petitioner's failure to provide the requested documentation to the Agency was due to circumstances associated with COVID-19, and therefore, beyond his control. See *Id.* at 7. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was improper and must be reversed. *Ibid.* I agree. Of note, in accordance with Division of Family Development Instruction ("DFDI") No. 20-03-01, the agencies were, and continue to be, instructed to extend the redetermination period for sixty days or until the State of Emergency is lifted, and that no adverse action is to be taken for failure to complete a redetermination or for failing to provide the required documentation. See also DFDI No. 21-03-03.

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.

MAR 25 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner





State of New Jersey

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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 11344-20 R.C.

AGENCY DKT. NO. C191850013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between October, 2018, and December, 2018. The Agency asserts that Petitioner's household received SNAP benefits to which it was not entitled, resulting in an overissuance of benefits which must be recouped. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A hearing was initially scheduled for January 29, 2021, but was adjourned, at the request of both parties. The matter was rescheduled for February 5, 2021, but again adjourned at the request of Petitioner. Thereafter, the matter was rescheduled for February 26, 2021, and on that date, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 12, 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). Repayment of overissuances may be sought for amounts going back six years prior to the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the record reflects that Petitioner was receiving SNAP benefits in 2018, when she became employed in July, 2018. See Initial Decision at 2; see also Exhibits R-3, R-4. Petitioner does not deny



that she had earned income during the time in question, but claims that she reported said income to the Agency. See Initial Decision at 2; see also N.J.A.C. 10:87-9.5(a)(1)(iii), (2). When the case was later reviewed by the Agency, it was determined that, based upon Petitioner's earned income during the months of October, 2018, through December, 2018, Petitioner had received an overissuance of SNAP benefits totaling \$530.75. See Initial Decision at 2; see also Exhibits R-1, R-3, R-4. The ALJ in this matter found that the evidence presented substantiated that Petitioner had received an overissuance to which she was not entitled, in the amount of \$530.75, between October, 2018, and December, 2018, and must now be repaid. See Initial Decision at 5; see also Exhibit R-1 and N.J.A.C. 10:87-11.20(e) (2). I agree. As such, I direct that the Agency proceed to recoup the overissuance.

The ALJ also found that, while there had been a recent policy change, which raised the minimum claims threshold from \$125 to \$750, effective November 1, 2020, Petitioner's overissuance claim predated the revised threshold effective date, and thus, Petitioner remained responsible for repayment of the overissuance amount. See Initial Decision at 5; see also Exhibit R-2 at 2 ("CWAs must continue to pursue collection efforts on NJ SNAP claims established before November 1, 2020, regardless of the amount of the claim or claim balance."). I also agree.

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

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

Officially approved final version.

MAR 30 2021

Natasha Johnson
Assistant Commissioner

