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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **07007-24 J.M.**

AGENCY DKT. NO. **C181082003 (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 at redetermination, and the termination Emergency Assistance ("EA") benefits. The Agency denied Petitioner continued WFNJ/TANF benefits because her total monthly income was over the maximum allowable benefit level for receipt of said benefits, and terminated her EA benefits because she 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 ("OAL") for a hearing. On May 31, 2024, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held the telephonic plenary hearing, took testimony, and admitted documents. On June 3, 2024, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

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

Financial eligibility for 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, effective July 1, 2019, the initial maximum allowable income level is \$839. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.

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 assistance unit's total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, if applicable) is less than the maximum benefit payment level allowable for the size of the assistance unit, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of three, the maximum allowable benefit level is \$559. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

"An adult recipient [of Work First New Jersey ("WFNJ") cash benefits] who voluntarily quits a job, without good cause, shall render the entire assistance unit ineligible for WFNJ cash assistance benefits for a period of two months from



the date [the Agency] makes the determination that the recipient quit the job.” See N.J.A.C. 10:90-4.14(a). N.J.A.C. 10:90-4.14(b) provides that the “voluntary cessation of employment by [WFNJ] recipients, without good cause, may include, but are not limited to, situations where individuals were discharged from employment due to an action or inaction on his or her part in violation of the employer’s written rules or policies, or lawful job related instructions.”

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, that EA benefits shall not be provided for a period of six months “when an actual or imminent state of homelessness exists as a direct result of the voluntary cessation of employment by the adult member without good cause.” This includes situations in which an applicant has been discharged from employment due to an action or inaction on his or her part in violation of the employer’s written rules or policies, or lawful job related instructions. See N.J.A.C. 10:90-1.15.

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

Here, an independent review of the record reflects that Petitioner was receiving WFNJ/TANF and EA benefits, when, upon submission of Petitioner’s paystubs from August, September and October, 2023, it was determined that Petitioner’s month gross income was \$4,194.38, clearly in excess of the benefit level of \$559. See Initial Decision at 2, 5; see also N.J.A.C. 10:90-3.3(b). It is unclear from the record presented why Petitioner’s WFNJ/TANF benefits were not terminated at that time. Nevertheless, at the time of Petitioner’s redetermination for WFNJ/TANF benefits in March, 2024, Petitioner’s earned income was again calculated and determined to be \$3,105, again in excess of the permissible income amount. Ibid. As such, by notice dated April 15, 2024, Petitioner was advised that her WFNJ/TANF benefits were terminated effective April 1, 2024. See Exhibit R-1 at 28-29. Of note, Petitioner does not dispute the earned income calculations. See Initial Decision at 5. As Petitioner was no longer a WFNJ benefits recipient, nor an SSI benefits recipient, the Agency also terminated Petitioner’s EA benefits. See Exhibit R-1 at 23.

Based upon the testimonial and documentary evidence presented, the ALJ found that based upon both instances of Petitioner’s calculated earned income, the Agency had properly denied Petitioner’s redetermination application for WFNJ/TANF benefits. See Initial Decision at 5. I agree. Additionally, the ALJ concluded that, because Petitioner was no longer a WFNJ benefits recipient, she no longer was eligible for EA benefits. Id. at 6. I also agree.

By way of comment, the ALJ makes a finding that, as the result of an April 11, 2024, separation letter provided to the Agency from Petitioner’s former employer, that due to Petitioner’s improper actions at work, she was fired from her employment, without good cause, thus constituting a voluntary cessation of employment under the WFNJ regulations, and thereby further making Petitioner ineligible for EA benefits. Id. at 6-7. However, as no copy of that separation letter was placed into the record in this matter, there is no residuum of competent evidence, and as such, I make no conclusion or finding with respect to the EA ineligibility on that basis, nor as to the applicable two month period of ineligibility for WFNJ benefits. See N.J.A.C. 10:90-1.15, -4.14, -6.1(c)(3) and N.J.A.C. 1:1-15.5(b); see also Exhibit R-1 at 24-25. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency’s determinations, terminating Petitioner’s WFNJ/TANF and EA benefits, are AFFIRMED, as outlined above.

Officially approved final version. June 06, 2024

Natasha Johnson
Assistant Commissioner

