



State of New Jersey

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

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

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **09567-24 K.E.**

AGENCY DKT. NO. **S561281012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that her total monthly income exceeded initial financial eligibility standards, and denied Petitioner EA benefits, contending that she was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 18, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 19, 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.

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

Only WFNJ benefits recipients, including those determined eligible for WFNJ benefits based upon immediate need, and SSI benefits recipients are eligible for EA benefits. N.J.A.C. 10:90-6.2(a).

Here, based on an independent review of the record, I find the record reflects that Petitioner applied for WFNJ/GA benefits on May 30, 2024, and applied for EA benefits on June 14, 2024, at which time she was provided with immediate need housing assistance. See Initial Decision at 2-3; see also Exhibits R-1, R-4, R-8 at 4-14, and N.J.A.C. 10:90-1.3(a). Thereafter, on July 1, 2024, Petitioner was denied WFNJ/GA benefits on the basis that, at the time she applied for said benefits, her records showed that she had a monthly income of \$511 received from approximately ten individuals which put her over the initial allowable maximum financial income eligibility level of \$278 for receipt of WFNJ/GA benefits, not the \$185 monthly benefit level, incorrectly stated by the ALJ. See Initial Decision at 3, 5; see also Exhibit R-8 at 47, and N.J.A.C. 10:90-3.4(a), -3.5(a), and DFD Instruction No. 19-21. The record also reflects that



prior to its WFNJ/GA benefits denial, the Agency had reached out to Petitioner requesting, among other things, that she provide documentation to determine whether that income was a one time occurrence, or if it would occur monthly, which documentation may have changed the status of Petitioner's WFNJ/GA benefits eligibility. See Initial Decision at 2-3; see also Exhibit R-8 at 13-14. However, no such documentation was forthcoming. See Initial Decision at 3, 5. Based on the foregoing, I concur with the ALJ's conclusion that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 6; see also Exhibit R-5, and N.J.A.C. 10:90-3.4(a), -3.5(a). Consequently, as Petitioner was not a WFNJ or SSI benefits recipient, the Agency denied Petitioner's application for EA benefits, and terminated Petitioner's immediate need assistance. See Initial Decision at 5; see also Exhibit R-6, and N.J.A.C. 10:90-6.2(a). Further, as immediate need housing assistance is not EA, a termination of immediate need assistance is not considered a termination of EA benefits, and is therefore, not appealable. While I agree with the ALJ that Petitioner is ineligible for EA benefits, I find that the ALJ's ultimate conclusion that the Agency's termination of Petitioner's immediate need benefits was proper and must stand, is misplaced. See Initial Decision at 5-6. Rather, I conclude that the Agency's denial of Petitioner's application for EA benefits was proper and must stand. See Exhibit R-6, and N.J.A.C. 10:90-6.2(a). The Initial Decision is modified to reflect these findings.

By way of comment, if Petitioner can provide Petitioner with documentation indicating that the \$511 individual contributions are not a regular monthly occurrence, she may reapply for WFNJ/GA and EA benefits. See Initial Decision at 3.

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

Officially approved final version.

August 01, 2024

Natasha Johnson

Assistant Commissioner

