



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **07500-24 R.K.**

AGENCY DKT. NO. **C010557018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/GA benefits because her total monthly income exceeded the maximum allowable benefit level for continued 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 for a hearing. On July 2, 2024, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 23, 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.

"A person who appears to be eligible for other benefits such as (but not limited to) unemployment insurance benefits; Social Security; Retirement, Survivors and Disability Insurance; [SSI]; or Veteran's benefits and such person refuses or neglects to apply for such benefits within 30 days of written notification without good cause, the entire assistance unit shall be ineligible to receive cash assistance." N.J.A.C. 10:90-1.12.

In order to be eligible for Work First New Jersey/General Assistance ("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 maximum benefit level for an unemployable WFNJ/GA AU, consisting of one person, is \$277 per month. See N.J.A.C. 10:90-3.6(a); see also DFD Informational Transmittal ("IT") No. 19-21.

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

Here, the record reflects that Petitioner had been receiving WFNJ/GA and EA benefits. See Initial Decision at 2. Upon reaching the age of 62, Petitioner was required to file for Social Security benefits. *Ibid.*; see also N.J.A.C. 10:90-1.12. The record reflects that, in April 2024, Petitioner was approved for Retirement, Survivors and Disability Insurance ("RSDI") benefits in the monthly amount of \$822. See Initial Decision at 2; see also Exhibit R-1 at 32. As the monthly RSDI benefits amount of \$822 exceeded the WFNJ/GA benefit amount of \$277, by notice dated April 17, 2024, the Agency terminated Petitioner's WFNJ/GA benefits, effective June 1, 2024. See Exhibit R-1 at 21. Based on the foregoing, the ALJ concluded



that, as the assistance unit's income exceeded the benefit level amount for continued WFNJ/GA eligibility, and by extension, because the assistance unit was no longer eligible for WFNJ benefits, and Petitioner was not an SSI benefits recipient, the Agency's termination of both WFNJ and EA benefits was correct. See Initial Decision at 3; see also N.J.A.C. 10:90-3.1(b)(1), -3.6, -6.2(a), and DFD IT No. 19-21. Based on an independent review of the record, I agree, but the Initial Decision is modified to correct the use of TANF (Temporary Assistance for Needy Families) in a number of places in the text of the Initial Decision, as Petitioner was receiving WFNJ/GA benefits and not TANF benefits.

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

Officially approved final version. August 08, 2024

Natasha Johnson
Assistant Commissioner

