



State of New Jersey

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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 **03813-24 S.M.**

AGENCY DKT. NO. **C099107018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), Emergency Assistance ("EA"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency terminated Petitioner's WFNJ/GA benefits because the household's total monthly income was over the maximum allowable benefit level for continued receipt of said 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 May 7, 2024, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 15, 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 determination, based on the discussion below.

Financial eligibility for WFNJ/GA benefits is determined based upon the assistance unit's ("AU") 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. 10:90-3.1(c), once initial financial eligibility for a WFNJ/GA benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA AU, with benefit of the appropriate disregards set forth in N.J.A.C. 10:90-3.8 for earned income, if applicable, is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). Effective July 1, 2019, the benefit level for an employable WFNJ/GA AU, consisting of two persons, is \$254 per month. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") No. 19-21.

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, the record reflects that Petitioner was receiving WFNJ/GA benefits, which were initially terminated at redetermination, effective February 1, 2024, due to Petitioner failing to provide income verification. See Exhibit R-1 at 22. However, once the income verification was provided, Petitioner was determined to be over the maximum allowable income level for continued receipt of said benefits. See Initial Decision at 2. Using paystubs provided by Petitioner, and allowing for a 100% income disregard for March 2024, and then applying the appropriate regulatory multiplier, the Agency calculated Petitioner's monthly income to be \$2,401. *Ibid.*; see also N.J.A.C. 10:90-3.11(c)(1)(i). As this calculated



monthly income exceeds the maximum allowable income level for WFNJ/GA benefits, \$254, on March 11, 2024, the Agency notified Petitioner that her WFNJ/GA benefits would be terminated. See Exhibit R-1 at 1; see also N.J.A.C. 10:90-3.4 and DFD IT No. 19-21. Petitioner did not dispute the income information, though her testimony reflected that her husband's income fluctuates. See Initial Decision at 3. Based on the foregoing, the ALJ in this matter concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 3-4. I agree.

Further, the ALJ in this matter concluded that as Petitioner was no longer a WFNJ benefits recipient, nor an SSI benefits recipient, the Agency had also properly terminated Petitioner's EA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-6.2(a). I also agree.

With respect to the SNAP benefits termination, the record shows that once Petitioner provided paystubs from her employment, the Agency recalculated Petitioner's SNAP benefits allotment. See Exhibit R-1 at 6. Using Petitioner's monthly calculated income of \$2401, it was determined that Petitioner's net income, for SNAP benefits purposes, is \$1,722.80. That amount is then multiplied by .3 and rounded up, or \$517. 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 two, \$535 - \$517, resulting in an amount of \$18. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also DFDI 23-09-01 at 12. However, as a household of two persons, Petitioner is eligible for the minimum allotment amount, which currently is \$23. See N.J.A.C. 10:87-12.6(a)(2); see also 7 CFR 273.10(e)(2)(ii)(C) and DFDI 23-09-01 at 12. That amount was raised to \$95 per month due to the state minimum SNAP benefit program. See Initial Decision at 2; see also Exhibit R-1 at 3. While the ALJ reaches no conclusion regarding the SNAP benefit amount, based on an independent review of the record and the above analysis, I agree that Petitioner is eligible for SNAP benefits in the amount of \$95 per month. See Exhibit R-1 at 3; see also DFDI 24-01-01 and N.J.A.C. 10:87-13.1, -13.4. The Initial Decision is modified to reflect this analysis and finding.

By way of further comment, Petitioner is without prejudice to reapply for WFNJ/GA benefits, as appropriate, should her circumstances have changed.

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

Officially approved final version. June 06, 2024

Natasha Johnson
Assistant Commissioner

