



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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 **10376-24 Y.B.**

AGENCY DKT. NO. **S654736012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. Petitioner's EA benefits were terminated because she was no longer a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, due to her receipt of monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits, nor was she a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 4, 2024 the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 6, 2024, the ALJ issued an Initial Decision, affirming the Agency's termination of Petitioner's EA benefits.

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 termination of Petitioner's EA benefits, based on the discussion below.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/GA is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA assistance unit ("AU") (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8(b) for earned income) 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). For an employable assistance unit of one, the maximum allowable benefit level is \$185. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") 19-21.

In accordance with N.J.A.C. 10:90-3.9(b), (e), unearned income in form of RSDI benefits is countable towards WFNJ eligibility.

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 was receiving WFNJ/GA benefits, and applied for EA benefits on January 3, 2024. See Initial Decision at 2; see also Exhibit R-1. Petitioner had also applied for RSDI benefits and was approved for such benefits. See Initial Decision at 2; see also Exhibit R-4. The Agency terminated Petitioner's WFNJ/GA benefits, by notice dated June 11, 2024, as Petitioner's monthly unearned income from RSDI benefits exceeded the maximum permissible benefit level to receive continued WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-6, and N.J.A.C. 10:90-3.1(a), -3.5(b), -3.9(e). Petitioner's EA benefits were then terminated effective August 5, 2024, as she was no longer receiving WFNJ/GA benefits, and therefore no longer qualified for EA benefits. See Initial Decision at 2;



see also Exhibit R-7. Based on the foregoing, the ALJ 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 proper and must stand. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.2(a). 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.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's termination of Petitioner's EA benefits is AFFIRMED, as outlined above.

Officially approved final version.

October 08, 2024

Natasha Johnson

Assistant Commissioner

