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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 04435-18 S.Y.

AGENCY DKT. NO. S493937012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits and the termination of Emergency Assistance ("EA") benefits. Upon a redetermination for continued receipt of WFNJ/GA benefits, the Agency denied Petitioner WFNJ/GA benefits contending that her income exceeded maximum allowable income eligibility limits, and terminated her EA benefits because 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 April 3, 2018, the Honorable Susan L. Olgiate, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 4, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby REJECT the ALJ's Initial Decision, and REVERSE the Agency's determination.

Pursuant to N.J.A.C. 10:90-3.19(a)(13)(ix)(9), "[a]llowances and benefits under the National and Community Service Trust Act of 1993 (NCSTA) which established a Corporation for National and Community Service which administers national service programs, including the Americorps programs, the Senior Corps and Youth Corps programs; the Learn and Serve program, and the Volunteers in Service to America (VISTA) program," are exempt income and not to be considered in determining initial or continued eligibility for WFNJ assistance.

Here, the record reflects that at the time of Petitioner's redetermination for continued WFNJ/GA benefits she was enrolled for 18 hours a week in the New Jersey Senior Community Service Employment Program ("SCSEP") known as WorkForce 55+, and received an earned income stipend of \$8.60 per hour. See Initial Decision at 2; see also Exhibit R-3. Petitioner is currently enrolled for 12 hours per week in WorkForce 55+, and receives an earned income stipend of \$8.60 per hour while in the program. See Initial Decision at 2, 3; see also Exhibit P-1. WorkForce 55+, is a New Jersey Department of Labor and Workforce Development program targeted to help low-income persons aged 55 and older to obtain employment and self-sufficiency. See Exhibits P-1, R-3. Participation in WorkForce 55+ is limited to 18 hours per week. Ibid. Upon a redetermination of Petitioner's eligibility for continued WFNJ/GA benefits, the Agency determined that Petitioner's income from WorkForce 55+ exceeded the allowable income eligibility level for receipt of said benefits. See Initial Decision at 2; see also Exhibits P-1, P-3, R-2, and N.J.A.C. 10:90-3.4, -3.5. As a result the Agency denied Petitioner continued WFNJ/GA benefits, and terminated her EA benefits because she was no longer a WFNJ/GA benefits recipient. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-3.4, -3.5, -6.2(a). The ALJ affirmed the Agency's determination. See Initial Decision at 3-4.



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However, I respectfully disagree with the ALJ's conclusion. Rather, I find that the WorkForce 55+ program is fundamentally in line with the exemption set forth in N.J.A.C. 10:90-3.19(a)(13)(ix)(9), and as such, I find that Petitioner's earned income stipend should not be considered in determining Petitioner's eligibility for WFNJ/GA benefits, and therefore, that Petitioner is eligible WFNJ/GA benefits. See N.J.A.C. 10:90-3.4, -3.5. Consequently, because I find that Petitioner is eligible for WFNJ/GA benefits, I also find that she is eligible for EA benefits. See N.J.A.C. 10:90-6.2(a). Therefore, I find that the Agency's denial of WFNJ/GA benefits to Petitioner, and its termination of her EA benefits, was improper and must be reversed. See Exhibit R-1; see also 10:90-3.19(a)(13)(ix)(9), -6.2(a).

Accordingly, the Initial Decision in this matter is hereby REJECTED and the Agency's determination is REVERSED.

Officially approved final version.

APR 11 2018

Natasha Johnson
Director

