



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 00581-19 C.A.

AGENCY DKT. NO. C219117009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and the denial of an extension of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that his total monthly income exceeds the allowable eligibility benefit level for receipt of those benefits, and denied Petitioner an extension of EA benefits because he is 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 January 18, 2019, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on January 18, 2019, 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 ("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 determination.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF benefits is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/TANF assistance unit, with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, is less than the maximum benefit payment level for the appropriate eligible assistance unit size in accordance with Schedule II at N.J.A.C. 10:90-3.3(b).

Here, the record reflects that Petitioner's assistance unit ("AU") consists of himself and two children. See Initial Decision at 2. The WFNJ/TANF monthly benefit level for an AU of three is \$454. *Ibid.*; see also N.J.A.C. 10:90-3.3(b), and DFD Instruction 18-08-04. The ALJ found that Petitioner was employed in April 2018, at which time he received a 100 percent income disregard for the month of May 2018, and a 75 percent income disregard for the months of June 2018, through December 2018. See Initial Decision at 2; see also N.J.A.C. 10:90-3.8(b). Thereafter, a 50 percent income disregard was applied, and Petitioner's WFNJ/TANF benefits were terminated because his income exceeded the allowable eligibility benefit level. See Initial Decision at 2; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-3.3(b), -3.8(b). Petitioner did not dispute the amount of his earned income, nor did he dispute necessarily that he was no longer eligible for WFNJ/TANF benefits. See Initial Decision at 3. As Petitioner was no longer a WFNJ/TANF benefits recipient, and was not an SSI benefits recipient, the ALJ found that Petitioner was ineligible for EA benefits. *Id.* at 2; see also N.J.A.C. 10:90-6.2(a). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits, and its denial of an extension of EA benefits to Petitioner, were proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1. 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 his current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. **JAN 24 2019**

Natasha Johnson

Director

