



## State of New Jersey

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*Governor*

**DEPARTMENT OF HUMAN SERVICES**  
**DIVISION OF FAMILY DEVELOPMENT**  
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*Lt. Governor*

TRENTON, NJ 08625-0716

**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 02380-19 M.C.

AGENCY DKT. NO. C095290015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits, and the reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits contending that Petitioner's monthly unearned income put her over the maximum benefit level allowable for WFNJ/TANF benefits eligibility, and terminated Petitioner's EA benefits because she was no longer a WFNJ/TANF benefits recipient, nor was she a Supplemental Security Income ("SSI") benefits recipient. The Agency reduced Petitioner's SNAP benefits due to monthly unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for March 8, 2019, but was adjourned with the consent of both parties, to allow Petitioner the opportunity to obtain counsel. The case was rescheduled for March 22, 2019, but again adjourned because Petitioner failed to appear at the scheduled time. The matter was then rescheduled, as a peremptory hearing, for April 9, 2019. On that peremptory hearing date, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 26, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner was receiving, and continues to receive, \$900 per month, beginning in July 2017, from her mother, which is deposited directly into one of Petitioner's two bank accounts, and as such, is considered countable unearned income for purposes of WFNJ/TANF benefits eligibility. See Initial Decision at 3, 5-6; see also Exhibit R-5, and N.J.A.C. 10:90-3.9(a), (b). Petitioner failed to report this income, as well as the fact that she had two bank accounts, on both her November 16, 2017, and November 9, 2018, applications for WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibits R-3, R-7, R-8. Petitioner claimed that her mother is providing those funds to assist with car payments and insurance; however, since the funds for said car payments are being made directly to Petitioner, such funds are not considered exempt for purposes of WFNJ/TANF benefits eligibility. See Initial Decision at 3; see also Exhibit R-5, and N.J.A.C. 10:90-3.19(a)(10). Of note, Petitioner also failed to report that she owned a vehicle on her November 11, 2017, and November 9, 2018, applications. See Initial Decision at 3. Upon learning of Petitioner's \$900 per month in unearned income, the Agency terminated her WFNJ/TANF benefits, as that income had put her over the maximum benefit level allowable for WFNJ/TANF benefits eligibility for an assistance unit of three, such as Petitioner's. See Initial Decision at 3, 5-6; see also Exhibits R-1 at 8-14, R-3, R-5, and N.J.A.C. 10:90-3.3(b), -3.9(e), -3.11. Consequently, the Agency also terminated Petitioner's EA benefits because she was no longer a WFNJ/TANF benefits recipient, nor was she an SSI benefits recipient. See Initial Decision at 6; see also Exhibit R-1 at 8-14, and N.J.A.C. 10:90-6.2(a). The ALJ agreed with the Agency's determinations. See Initial Decision at 5-6. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was proper and must stand. *Id.* at 6-7; see also Exhibit R-1 at 8-14. I agree.



Further, the record reflects that Petitioner had previously been receiving SNAP benefits in the amount of \$505 per month. See Exhibit R-1 at 3. As noted above, in July 2017, Petitioner began receiving \$900 per month from her mother, which was deposited directly into Petitioner's bank account. See Initial Decision at 3, 5; see also Exhibit R-5, and N.J.A.C. 10:87-5.5(a)(9). Upon learning of Petitioner's unearned monthly income, and after applying the requisite deductions, Petitioner's monthly SNAP benefits were recalculated to the amount of \$377. See Initial Decision at 3, 5; see also Exhibits R-1 at 3-7, R-2, and N.J.A.C. 10:87-6.16, -12.6. The ALJ concluded that the Agency's calculation of Petitioner's SNAP benefits to include the previously undeclared unearned income, was proper, and as such, the resulting reduction of Petitioner's SNAP benefits to \$377 a month was correct, and must stand. See Initial Decision at 5-7; see also Exhibits R-1 at 3-7, R-2. I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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 determination is AFFIRMED.

Officially approved final version.

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Natasha Johnson  
Director

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