



State of New Jersey

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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 10417-19 M.F.

AGENCY DKT. NO. C114340003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits because her income exceeded the allowable eligibility limits, and denied Petitioner EA benefits because she was neither a WFNJ cash benefits recipient, 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 August 26, 2019, the Honorable Lisa James-Beavers, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents. On August 30, 2019, the CALJ 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 CALJ's Initial Decision and the record, and I hereby MODIFY the CALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-3.2(a), in order to determine initial financial eligibility for WFNJ/GA benefits for a new applicant, reapplicant or reopened case, "all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule III at N.J.A.C. 10:90-3.5." See also N.J.A.C. 10:90-3.1(b). Further, "[i]f the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/GA initial financial eligibility exists." See N.J.A.C. 10:90-3.4(a). For an assistance unit of one, effective January 1, 2019, the maximum allowable income level is \$231. See N.J.A.C. 10:90-3.5(a); see also DFD Informational Transmittal ("IT") No. 19-12.

Only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).



Here, the CALJ found, and the record substantiates, that at the time Petitioner applied for WFNJ/GA benefits, she was receiving Unemployment Insurance Benefits ("UIB") income in the amount of \$325 per week. See Initial Decision at 2; see also Exhibit R-10. In accordance with regulatory authority, I find that Petitioner's monthly unearned UIB income of \$1,408 exceeds the maximum allowable income level of \$231 for receipt of WFNJ/GA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-3.4(a), -3.5(a), -3.9(a), (b), and IT No. 19-12. Based on the foregoing, I concur with the CALJ's ultimate conclusion that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 6-10. The Initial Decision is modified, however, to reflect the correct regulatory authority applied above, as the CALJ mistakenly applied the regulatory authority applicable to applicants for WFNJ/Temporary Assistance for Needy Families benefits, rather than WFNJ/GA benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90-3.2(a), -3.4(a), -3.5(a).

Further, although Petitioner contends that as a victim of domestic violence she is eligible for EA benefits, regardless of the fact that she is ineligible for WFNJ/GA benefits, the CALJ found, and regulatory authority makes clear, that eligibility for EA benefits is limited to WFNJ and SSI benefit recipients. See Initial Decision at 4; see also N.J.A.C. 10:90-6.2(a), -6.1(c)(7). Accordingly, the CALJ found that because Petitioner is not a WFNJ or SSI benefits recipient, she is ineligible for EA benefits, and as such, concluded that Agency's denial of EA benefits to Petitioner was also proper and must be affirmed. *Ibid.*; see also Exhibit R-1 at 1-5. I also 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 MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version.

Natasha Johnson
Director

SEP 25 2019

