



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
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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 06046-19 M.W.

AGENCY DKT. NO. C241993009 (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") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that Petitioner's monthly income exceeded her WFNJ/TANF maximum benefits level, and terminated Petitioner's EA benefits, contending that she failed to comply with her EA service plan ("SP") by failing to report Supplemental Security Income ("SSI") benefits, and because she was no longer a WFNJ or SSI benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 5, 2019, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open for Petitioner to submit further documentation, and then closed on June 7, 2019.

On June 7, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that the Agency terminated Petitioner's WFNJ/TANF benefits because her monthly income exceeded the maximum benefit payment level for receipt of such benefits. See Initial Decision at 2; see also Exhibit R-1 at 1-5, 12, and N.J.A.C. 10:90-3.3(b). The ALJ found that Petitioner had conceded the fact that her monthly income exceeded the WFNJ maximum benefit payment level at the time of the termination of her WFNJ/TANF benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 12. The record also reflects that on November 20, 2018, Petitioner executed an SP, wherein she agreed, among other things, to keep her appointments with her social worker, to update the Agency as to her son's SSI benefits application status and MED-1 form, to pay her portion of her rent, and to provide proof of payment of her utilities. See Initial Decision at 2; see also Exhibit R-1 at 6-7. On March 22, 2019, the Agency terminated Petitioner's EA benefits contending that Petitioner had violated the terms of her SP, finding that she had missed an appointment, that she had failed to provide an update as to her son's SSI benefits application, and that she did not provide information regarding her rent and utilities payments. See Initial Decision at 2; see also Exhibit R-1 at 1-5, 6-7, and N.J.A.C. 10:90-6.1(c) (3)(ix), and -6.6(a). The Agency also terminated Petitioner's EA benefits because her WFNJ/TANF benefits case had closed, and therefore, Petitioner was no longer eligible for EA benefits, as she was neither a WFNJ, nor an SSI, benefits recipient. See Initial Decision at 2; see also N.J.A.C. 10:90-6.2(a). The ALJ found that although Petitioner had provided documentation at the hearing as to her son's SSI benefits determination, she had not demonstrated that the documentation was submitted to the Agency, and therefore, she had violated her SP. See Initial Decision at 2-3; see also Exhibit P-1 at 9-10, and N.J.A.C. 10:90-6.6(a). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was proper and must be affirmed. See Initial Decision at 3-4; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-3.3(b), -6.2(a), -6.6(a). I agree.

No Exceptions to the Initial Decision were received.



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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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

By way of comment, because the ALJ concluded that Petitioner had violated her SP, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.6(a). Petitioner's six-month EA benefits ineligibility penalty shall begin to run from March 22, 2019, the effective date of the Agency's termination, through October 21, 2019. See Exhibit R-1 at 2.

By way of further 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 action is AFFIRMED.

Officially approved final version.

Natasha Johnson

Director

JUL 17 2019

