



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 12732-18 P.C.

AGENCY DKT. NO. S449990006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that he had resources over \$2,000, thereby making him ineligible for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Petitioner filed a letter brief on November 30, 2018, and the Agency submitted a hearing packet. A hearing was scheduled for December 5, 2018, and on that day, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), along with the Agency representative and Petitioner's counsel, agreed that no facts were in dispute and the matter was submitted for consideration on the papers, and the record was then closed. On January 10, 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, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

In evaluating an individual's eligibility for WFNJ/GA benefits, all countable income and resources, unless exempt, must be considered. See N.J.A.C. 10:90-3.1(a), -3.9(a), -3.10(a), -3.19 and -3.20. Resources include bank accounts, cash, and contributions of support that are "immediately obtainable" to meet the needs of the individual. See N.J.A.C. 10:90-3.10(b).

Here, the Agency denied Petitioner WFNJ/GA benefits, based on Petitioner's application which reported over \$9,000 in an investment account, contending that because he had non-exempt resources in excess of \$2,000, he was ineligible for WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-1 at 16, and N.J.A.C. 10:90-3.10(a), (b), and -3.20(a) (3). By notice dated August 17, 2018, the Agency denied Petitioner WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-1 at 2. Petitioner admitted that he had the investment account in an amount over \$2,000, but stated that to access the account at his age would result in a tax penalty, and argued that the funds were not "immediately obtainable" because of a processing delay to withdraw the funds. See Initial Decision at 2-3. The ALJ found that despite the processing time to retrieve the funds, Petitioner's investment account was immediately obtainable, and thus, available to Petitioner. See Initial Decision at 3-4. As such, the ALJ found that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:90-3.10. I agree.

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



Officially approved final version.

FEB 14 2019

Natasha Johnson

Director

