



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 16290-19 P.M.

AGENCY DKT. NO. C602904007 (ESSEX COUNTY DIVISION OF WELFARE)

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 income was over the allowable WFNJ/TANF benefit eligibility level, and denied Petitioner an extension of EA benefits because he was no longer a WFNJ benefits recipient, nor was he a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for November 25, 2019, but was adjourned at the request of the parties. On November 26, 2019, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 6, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner began receiving Retirement, Survivors and Disability Insurance ("RSDI") benefits, effective September 2019, in the monthly amount of \$221, and received \$542 per month in child support payments. See Initial Decision at 3; see also Exhibits R-4, R-5. The record also reflects that the Agency did not become aware of Petitioner's September 2019, RSDI income until late October, 2019, and continued to provide Petitioner with WFNJ/TANF benefits through November 2019. See Initial Decision at 3-4; see also Exhibit R-7. EA benefits for the months of September, October, and November 2019, were not provided to Petitioner, as he was being evaluated for an extension of EA benefits pursuant to the recently promulgated State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"). Ibid. Upon learning of said increase in income, the Agency determined that Petitioner was no longer eligible for WFNJ/TANF benefits as of September 2019, and was therefore ineligible for an extension of EA benefits, and terminated said benefits, by notice dated November 8, 2019. See Initial Decision at 3-4; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-3.1(c), -3.3(b), 3.8, -6.2(a), and S866. Petitioner admitted that he was no longer eligible for WFNJ/TANF and EA benefits, effective December 2019, but contended that he did qualify for such benefits for the months of September, October, and November 2019. See Initial Decision at 3-4.



The ALJ found that, although Petitioner had received his first RSDI benefits payment in October 2019, it was payment for the month of September 2019. See Initial Decision at 5; see also Exhibit R-4. The ALJ also found that Petitioner receives \$542 per month in child support. See Initial Decision at 3; see also Exhibit R-5. Based on the testimony and documents entered into evidence, the ALJ concluded that Petitioner was ineligible for WFNJ/TANF benefits as of September 2019, regardless of the fact that the Agency had inadvertently provided him with WFNJ/TANF benefits through the month of November 2019. See Initial Decision at 5-6; see also Exhibit R-7. Further, the ALJ found that Petitioner had received 30 months of EA benefits, and as such, he had exhausted his lifetime limit of EA benefits, and concluded that because Petitioner was ineligible for WFNJ/TANF benefits as of September 2019, and was not an SSI benefits recipient, Petitioner was also ineligible for an extension of EA benefits pursuant to S866. See Initial Decision at 5-6. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits, and the denial of an extension of EA benefits to Petitioner, were proper and must stand. Id. at 6; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-3.1(c), -3.3(b), 3.8, -6.2(a), and S866. 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 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.

DEC 12 2019

Natasha Johnson

Assistant Commissioner

