



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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

REMAND DECISION

OAL DKT. NO. HPW 17143-19 A.P.

AGENCY DKT NO C263366009 (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 she was over the income eligibility level for receipt of said benefits, and terminated Petitioner's EA benefits on the basis that she was no longer a WFNJ benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 23, 2019, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 31, 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 ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determinations, and REMAND the matter to the Agency, based on the discussion below.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for a WFNJ/TANF benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/TANF assistance unit ("AU"), with benefit of the appropriate disregards set forth in N.J.A.C. 10:90-3.8 for earned income, is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an AU of two, such as Petitioner's, as of January 1, 2019, the maximum allowable benefit level was \$354, and as of July 1, 2019, the maximum allowable benefit level is \$425. See DFD Informational Transmittal Nos. 19-12 and 19-21.

Here, the record reflects that Petitioner had secured seasonal employment from November 16, 2019, to January 4, 2020, and that she had not been offered permanent employment past that date. See Initial Decision at 2. Consequently, the Agency terminated Petitioner's WFNJ/TANF benefits, contending that her earned income exceeded the applicable benefit eligibility level for receipt of said benefits. *Ibid.*; see also N.J.A.C. 10:90-3.3(b). The Agency also terminated Petitioner's EA benefits as she was no longer a WFNJ/TANF benefits recipient and was not a Supplemental Security Income benefits



recipient. See Initial Decision at 2; see also Exhibit R-1 at 2-6, and N.J.A.C. 10:90-6.2(a). The ALJ agreed with the Agency's termination of Petitioner's WFNJ/TANF and EA benefits. See Initial Decision at 2-3. However, it is unclear from the record if the Agency had applied the appropriate income disregards, in accordance with regulatory authority, prior to terminating Petitioner's WFNJ/TANF benefits. See N.J.A.C. 10:90-3.1(c), -3.8(b). Therefore, I am remanding the matter to the Agency to reevaluate Petitioner's eligibility for WFNJ/TANF and EA benefits, after application of appropriate income disregards, as outlined at N.J.A.C. 10:90-3.8(b). Ibid. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determinations are REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version.

Natasha Johnson
Assistant Commissioner

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