



## State of New Jersey

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*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 00692-20 P.B.

AGENCY DKT. NO. **3569129012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he was not yet eligible for Work First New Jersey/General Assistance ("WFNJ/GA") benefits due to his income being over the maximum allowable benefit level for WFNJ/GA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 17, 2020, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on January 17, 2020, the ALJ issued an Initial Decision, reversing 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, and REVERSE the Agency's determination, based on the discussion below.

In accordance with N.J.A.C. 10:90-1.5(a), the Agency shall accept, process and recommend action on applications for assistance within 30 days.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/GA benefits is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA assistance unit, with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, is less than the maximum benefit payment level for the appropriate eligible assistance unit size, in accordance with Schedule IV at N.J.A.C. 10:90-3.5(b).

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

Here, the record reflects that Petitioner applied for WFNJ/GA and EA benefits on December 3, 2019. See Exhibits R-1, R-3. On January 3, 2020, Petitioner received payment for work he had done in the latter part of December 2019. See Exhibit R-2. Based upon the income Petitioner received for that work, the Agency determined Petitioner to be over income for WFNJ/GA benefits for the



month of January 2020, and thus ineligible for EA benefits. See Initial Decision at 2; see also Exhibit R-4. However, the Agency determined that Petitioner would be eligible for the receipt of WFNJ/GA benefits effective February 1, 2020, and thereby eligible for EA benefits at that time. See Exhibit R-4; see also N.J.A.C. 10:90-6.2(a). The ALJ found that Petitioner's application for WFNJ/GA benefits should have been approved 30 days following his application for said benefits, or January 2, 2020, and thus Petitioner should have been provided with EA benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90-1.5(a). Based on the foregoing, the ALJ ordered that Petitioner be provided with temporary shelter. See Initial Decision at 4. I agree, and further note that the income received by Petitioner on January 3, 2020, after Petitioner should have been approved for WFNJ/GA benefits, is attributable in the month it is paid, and therefore, should have received the appropriate income disregard. See N.J.A.C. 10:90-3.8(b). The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, as outlined above.

Officially approved final version

FEB - 4 2020

Natasha Johnson

Assistant Commissioner

