



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 **08265-24 J.G.**

AGENCY DKT. NO. **C865726007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of his application for Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner's application for WFNJ/GA contending that Petitioner's income exceeds the maximum permissible income level for receipt of WFNJ/GA. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 18, 2024, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 2, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on April 26, 2024, Petitioner applied for WFNJ/GA benefits, and indicated under the "Help Received" portion of the application that he received \$1,410 monthly from a friend in order to pay his rent. See Initial Decision at 2; see also Exhibit R-4. On April 30, 2024, Petitioner was sent a notice informing him that his WFNJ/GA was being denied due to his income. Id. at 2; see also Exhibit R-1. For an assistance unit of one, such as Petitioner, the maximum income an individual receives cannot exceed \$278. Id. at 2, see also Exhibit R-3, see also N.J.A.C. 10:90-3.5. Petitioner contends that he invested funds with a company that is now facing legal issues, and as of June 2024, his investments and assets have been frozen in connection with a lawsuit surrounding the company pursuant to a Texas court. Id. at 2, see also Exhibits P-4 and P-5. Petitioner testified that he applied for assistance so he could continue to reside in his apartment, where he has lived for more than a decade. Id. at 2. Petitioner received electronic transfers from a friend for his April, May, and June 2024 rent payments. See Initial Decision at 3; see also Exhibits P-2, R-2.

The ALJ found that the funds given to Petitioner, which were identified as a loan, are considered income under N.J.A.C. 10:90-3.4(a) and, as such, Petitioner's application indicated income exceeding the maximum allowable income amount of \$278 per month. See Initial Decision at 3; see also N.J.A.C. 10:90-3.5(b). The ALJ notes that although loans are not specifically identified as countable income, countable income is intended to encompass any income, earned or unearned, that is from any sources either itemized or sources that may be construed or defined as income. See Initial Decision at 4; see also N.J.A.C. 10:90-3.9. Accordingly, the ALJ concluded that Petitioner's loans shall not be considered exempt income under N.J.A.C. 10:90-3.19, and, as such, affirmed the Agency's denial of WFNJ/GA benefits as Petitioner's income exceeded the maximum income amount to determine eligibility for WFNJ/GA benefits. See Initial Decision at 4-5. I agree.

Exceptions to the Initial Decision were filed on behalf of Petitioner by his counsel on January 8, 2025. Therein, Petitioner's counsel argued that the loan received, and included on Petitioner's application, was used specifically to pay three months of his rent, with the understanding that the loan was to be repaid. In considering the arguments set forth within the Exceptions, loans are liquid financial resources that are available to the individual in receipt of such loan until the funds



are spent. This aligns with the language of N.J.A.C. 10:90-3.19(a)(10), which exempts income received via third party payments—i.e., if the rent payment was made directly to the landlord rather than to the individual. The loan agreement presented was intended to cover the months of April, May, and June, 2024. See Exhibit P-2. In this matter, no proof of rental payment for the months for which the loan was received was presented. Prior to the hearing, Petitioner's sister provided another document indicating that she has paid his rent for the months of July through November, 2024 directly to Petitioner's landlord—which would make such payments exempt income. See Exhibit P-6; see also N.J.A.C. 10:90-3.19(a)(10). Based upon the time elapsed since the loan of funds was made, and as there is no indication that Petitioner was ever evicted, it is reasonable to believe that the loan was used for its intended purpose of rental payment, however, such income is now too remote in time to be considered.

As the Assistant Commissioner, 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 decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/GA and should such application be made, the Agency is directed to provide expeditious review of same.

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

Officially approved final version.

January 28, 2025

Natasha Johnson

Assistant Commissioner

