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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 **05244-26 J.J.**

AGENCY DKT. NO. **C474278016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that his resources exceeded the eligibility limit for such benefits. The Agency denied Petitioner EA benefits contending that he was not a WFNJ, nor Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 7, 2026, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 8, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 determination, and REMAND the matter to the Agency, based on the discussion below.

N.J.A.C. 10:90-2.2(a)(4) provides that an applicant/recipient, as a condition for WFNJ cash benefits, shall be required to be income and resource eligible, including the deeming of income and resources as appropriate.

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

Here, the record reveals that Petitioner applied for WFNJ/GA benefits on March 6, 2026, and that, as part of the application process, the Agency requested three months of bank statements. See Initial Decision at 2-3. A review of the bank statements submitted showed that, on November 12, 2025, Petitioner received a \$10,000 deposit in his bank account which correlated to an advance received in reference to his personal injury litigation, which has not yet been resolved by his legal counsel. See Initial Decision at 3; see also Exhibits R-5, R-6. If the personal injury litigation is successful, in the future, Petitioner will have to repay the advance including interest in accordance with his agreement. Ibid. Petitioner has also applied for Supplemental Security Income ("SSI"), although he has not yet received a determination of benefits. Ibid.

In considering the deposit in Petitioner's bank account, the Agency considered such funds to be resources which were above the resource limit for receipt of WFNJ/GA benefits. See Initial Decision at 3; see also Exhibit R-4. At the time of the hearing, the ALJ analyzed the November, 2025 bank statement and found that the Petitioner used the funds deposited to pay "back rent, utilities, medical providers, transportation, supermarket purchases, and other miscellaneous charges."



Ibid.; see also Exhibit R-5. By the end of November, 2025, Petitioner's bank account had a negative balance, and such balance remained negative through the time of his WFNJ/GA application in March, 2026. Ibid.

In consideration of N.J.A.C. 10:90-3.10(e), the ALJ found that "any voluntary assignment or transfer of income or resources for the purpose of qualifying for WFNJ TANF/GA benefits" makes an assistance unit "ineligible for a period of up to one year", with eligibility not being impacted by certain transfers including "resources which are transferred for reasons other than qualifying or attempting to qualify for WFNJ benefits." See Initial Decision at 4.

Based on the testimony and evidence presented, the ALJ concluded that the Agency did not consider Petitioner's use of the deposited monies, but rather that the deposit amount exceeded the resource limit for receipt of WFNJ/GA benefits and, due to the amount, imposed a twelve-month disqualification period. See Initial Decision at 5. The ALJ, however, found that Petitioner's funds had been exhausted when he "faced dire circumstances, which he attempted to abate unsuccessfully", and therefore, that the Agency's denial of WFNJ/GA benefits to Petitioner was improper and must be reversed. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.1(c)(1)(ii). Further, the ALJ found that, as the denial of WFNJ/GA benefits was improper, that the denial of EA benefits was improper. Ibid.

Based upon an independent review of the record in this matter, specifically the "New Future Legal Funding Agreement" ("Agreement"), Exhibit R-6, the Agreement states "If Litigant has executed previous Funding Agreements with New Future, with respect to this Claim, then this Funding Agreement will also including the Multiple Fundings Disclosure, which will include a statement of cumulative amounts due from Litigant for all Funded Amounts." See Exhibit R-6, page 2. Indeed, a review of the Agreement includes both a "Schedule A-Liens" page, indicating that Petitioner has received \$44,870 during 2025, as well as a "Multiple Fundings Disclosure," which shows advances paid to Petitioner on February 26, 2025 (\$10,550), on April 9, 2025 (\$5,300), on May 30, 2025 (\$10,550), and on August 27, 2025 (\$10,550), prior to the payment at issue here on November 10, 2025 (\$10,550). Taking this information into consideration, the Initial Decision is modified to reflect that, while I agree with the ALJ in regards to the use of the November 10, 2025 deposit, it is unclear whether Petitioner previously had access to over \$36,000 in other payments, during 2025, which would have made Petitioner ineligible for receipt of WFNJ/GA benefits, and by extension, EA benefits. As such, I am remanding this matter back to the Agency to request from Petitioner bank statements for the calendar year of 2025, in order to determine if Petitioner was in receipt of such funds and to determine whether or not such funds were exhausted on items deemed appropriate, necessary, or reasonable for decent living.

Petitioner should contact the Agency as expeditiously as possible to provide the bank statements necessary to determine his eligibility for benefits. If, upon receipt and review of such bank statements, the Agency again determines that Petitioner is ineligible for receipt of WFNJ/GA benefits, he is without prejudice to request another hearing based upon that denial.

Accordingly, the Initial Decision in this matter is MODIFIED, the Agency's determination is hereby REVERSED, and the matter is REMANDED back to Agency for action, as outlined above.

Officially approved final version. April 16, 2026

Natasha Johnson
Assistant Commissioner

