



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Director

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 14994-18 A.I.

AGENCY DKT. NO. C212998009 (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 EA benefits contending that she was no longer a WFNJ/TANF benefits recipient, nor was she a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 7, 2018, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on November 7, 2018, 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, 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 AFFIRM the Agency's determination, as discussed below.

Here, the record reflects that Petitioner is currently employed, and that her WFNJ/TANF benefits were terminated after receipt of her September 2018, benefit payment. See Initial Decision at 2. As a result, Petitioner's EA benefits were terminated because she was no longer a WFNJ/TANF benefits recipient, nor was she an SSI benefits recipient, and because she had sufficient income to pay her rent. Ibid. Based on the foregoing, I concur with the ALJ's affirmation of the Agency's determination, and find that the Agency's termination of Petitioner's EA benefits was proper and must stand. Id. at 3; see also "Notification Form," and N.J.A.C. 10:90-6.1(a)(1), -6.2(a). However, the Initial Decision is modified to reflect that Petitioner's EA benefits were terminated, and not denied, as stated by the ALJ throughout the Initial Decision. See Initial Decision at 1-3; see also "Notification Form" at 2.

Additionally, the transmittal in this matter indicates an additional contested issue regarding a termination of WFNJ/TANF benefits. In the Initial Decision, the ALJ in this matter states that "Petitioner's monthly income exceeds eligibility for [WFNJ/TANF]." While no documentation was presented pertaining to this issue, I note that, based upon the monthly income stated in the Initial Decision, Petitioner would



have been subject to a 100 percent income disregard for the month of September, and thereafter, Petitioner would no longer have been eligible for WFNJ/TANF, even with a 75 percent income disregard being applied to Petitioner's monthly income of \$1213. See Initial Decision at 2, 3; see also N.J.A.C. 10:90-3.8(b). As such, I also affirm the Agency's termination of Petitioner's WFNJ/TANF benefits due to earned income. The Initial Decision is also modified to reflect these findings.

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

Officially approved final version.

DEC 20 2010

Natasha Johnson
Director

