



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
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 07236-18 C.A.

AGENCY DKT. NO. C154776003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits because his income was over the allowable benefit level for eligibility, and terminated Petitioner's EA benefits because he was no longer a WFNJ cash benefits recipient, and was not a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 13, 2018, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 29, 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.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for a WFNJ/GA benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA 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 IV at N.J.A.C. 10:90-3.5(b). For an employable AU of one, such as Petitioner, the maximum allowable benefit level is \$140. Ibid.

Here, the record reflects that Petitioner began receiving WFNJ/GA benefits in October 2017, at the monthly, employable rate of \$140. See Initial Decision at 2; see also Exhibit R-4. Thereafter, on March 16, 2018, Petitioner became employed, earning between \$180 and \$200 weekly. See Initial Decision at 2; see also Exhibit R-6. The record also reflects that in April 2018, Petitioner was provided with WFNJ/GA benefits in the full amount of \$140, indicating that the Agency had applied the appropriate income disregards prior to its termination of Petitioner's WFNJ/GA benefits on May 31, 2018. See



Exhibit R-4; see also N.J.A.C. 10:90-3.8. Therefore, based on my independent review of the record, I find that Petitioner is ineligible for WFNJ/GA benefits because his earned income, after application of the appropriate income disregards, exceeds the allowable benefit level for receipt of said benefits. See N.J.A.C. 10:90-3.5(b), -3.8(b). Accordingly, I concur with the ALJ's ultimate conclusion that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 4-5. The Initial Decision is modified to reflect the application of the proper regulatory authority to the facts of Petitioner's WFNJ/GA benefits issue.

Further, the ALJ concluded that Petitioner was ineligible for EA benefits because he is no longer a WFNJ/GA benefits recipient, and he is not an SSI benefits recipient, and that the Agency's termination of Petitioner's EA benefits was, therefore, proper and must stand. See Initial Decision at 4-5; see also Exhibit R-2, and N.J.A.C. 10:90-6.2(a). I agree.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version.

JUL 1 0 2018

Natasha Johnson
Director

