



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Elizabeth Connolly
Acting Commissioner

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 4206-15 A.A.

AGENCY DKT. NO. S530200 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because her total income exceeded the maximum benefit level for her household, and, based upon the Agency's termination of Petitioner's cash benefits, Petitioner was no longer eligible for EA and those benefits were also terminated. Because the Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 13, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On April 15, 2015, the ALJ issued an Initial Decision, affirming the Agency determinations.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I MODIFY the Initial Decision and AFFIRM the Agency determination.

Pursuant to N.J.A.C. 10:90-3.8(b)(1), WFNJ benefits recipients, who become employed for an average of 20 hours a week, "shall report earned income no later than 10 days from the date the recipient receives his or her paycheck" in order to receive income disregards as outlined in the regulation.

Only WFNJ and Supplemental Security Income ("SSI") recipients are eligible to receive EA benefits. See N.J.A.C. 10:90-6.2(a).

An independent review of the record in this matter reveals that Petitioner was receiving WFNJ/TANF benefits in January 2015. See WFNJ/TANF pay history. Petitioner became employed for 20 hours a week in late December 2014, receiving her first pay check on January 16, 2015. See Employer completed information sheet, dated February 25, 2015. Petitioner did not advise the Agency of the employment until February 17, 2015. See Employment Form, dated February 17, 2015. On February 26, 2015, the Agency notified Petitioner that her WFNJ/TANF benefits were being terminated, with the last payment of \$424 to be issued on March 15, 2015. See February 26, 2015, Adverse Action Notice. The Agency indicates the reason for the termination being that Petitioner did not report her earnings within 10 days of her first paycheck as required, therefore no income disregards were applied, and Petitioner's earned income rendered her ineligible for further WFNJ/TANF benefits. *Ibid.* Thereafter, on March 27, 2015, the Agency notified Petitioner that she would be ineligible for EA benefits effective April 5, 2015, due to the fact that Petitioner was no longer a WFNJ/TANF benefits recipient. See March 27, 2015, Adverse Action Notice.

Based upon the foregoing facts as documented in the record, it is clear that Petitioner did not advise the Agency of her employment within 10 days of the receipt of her first paycheck as required. Rather, it was more than a month later when the Agency was notified. As such, I find that the Agency properly terminated Petitioner's WFNJ/TANF benefits, effective in March 2015, and consequently, Petitioner's EA benefits in April 2015.

The ALJ in this matter focuses his discussion on income disregards as applied to Petitioner's earned income. However, given the fact that Petitioner received her full WFNJ/TANF cash benefits amount in January, February and March 2015, Petitioner did, in essence, receive the benefits of income disregards. Moreover, as stated above, I agree with the Agency that Petitioner did not properly notify the Agency of her employment in a timely manner as required. Accordingly, while I agree with the ALJ's ultimate conclusion that Petitioner was ineligible for EA benefits, I modify the ALJ's Initial Decision in regards to the analysis used to reach that conclusion.

By way of comment, while the transmittal in this matter noted a contested issue pertaining to Petitioner's Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits, the Initial Decision indicates that Petitioner does not dispute the SNAP benefits determination. See Initial Decision at 3. As such, I made no finding on that issue in this decision.

Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency action in this matter is AFFIRMED.

Signed Copy on File
at DFD, BARA

APR 28 2015

Natasha Johnson
Director