



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 5345-15 E.J.

AGENCY DKT. NO. GA30434 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because he violated his EA service plan ("SP") and he had available resources to prevent his current homelessness because he received a Worker's Compensation lump sum payment of \$5,000. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 27, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 28, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

Exceptions to the Initial Decision were filed by the Agency on June 8, 2015.

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 REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

When a nonrecurring earned or unearned lump sum payment is received, that income shall be used to repay assistance granted in accordance with the agreement to repay, if applicable. After the agreement to repay is satisfied, any lump sum remaining will be added together with all other countable income received that month by the eligible assistance unit after application of the appropriate disregards. N.J.A.C. 10:90-3.18(c).

Pursuant to N.J.A.C. 10:90-3.18(c)(1), the Agency makes allowances to disregard a portion of the lump sum money that may be spent to purchase items considered integral in promoting self-sufficiency, such as the purchase of a first vehicle, vehicle repairs or essential household items. If the remaining amount exceeds 200 percent of the payment level for the assistance unit size then the assistance unit is ineligible for Work First New Jersey ("WFNJ") benefits for the number of full months derived by dividing this total income by the payment level applicable to the eligible assistance unit size. See N.J.A.C.10:90-3.18(d).

Here, Petitioner admits to receiving a Worker's Compensation lump sum payment of \$5,000, and spending that money on drugs and alcohol. See Initial Decision at 3. Therefore, Petitioner is not entitled to any disregards regarding that lump sum payment. See N.J.A.C. 10:90-3.18(c)(1). Pursuant to N.J.A.C. 10:90-3.18(d)(1), Petitioner's lump sum payment exceeds the 200 per cent payment level of \$324 for his assistance unit size of one, therefore, the \$5,000 is divided by \$324, and as a result, Petitioner is ineligible for WFNJ/General Assistance ("WFNJ/GA") benefits for a period of 15 months.

Consequently, because Petitioner is ineligible for WFNJ/GA benefits, and no longer a WFNJ/GA cash recipient, he is ineligible for EA benefits. See N.J.A.C. 10:90-6.2 (stating that only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits.) Therefore, I find that Petitioner's EA benefits must be terminated. Accordingly, the issues surrounding the violation of Petitioner's SP, and the resultant termination of his EA benefits stemming therefrom, are moot.

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

Signed Copy on File

at DFD, BARA

JUL - 1 2015

Natasha Johnson

Director