



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 2130-15 J.B.

AGENCY DKT. NO. GA246304 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's termination of his Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits because he does not meet the standards for household composition, as the Agency considers him as part of a couple operating as a single economic unit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 19, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On May 26, 2015, the ALJ issued an Initial Decision affirming the Agency's determination.

No exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby ADOPT the Initial Decision and AFFIRM the Agency's determination.

Pursuant to N.J.A.C. 10:90-2.7(b)(1), the composition of a WFNJ/GA assistance unit is most often either a single individual over 18 years of age, or a couple without dependent children. The regulation further states, "In all other situations, the eligible assistance unit shall consist of ... [t]he person with whom the applicant lives as a couple (that is, two individuals who live together, function as one economic unit, and present themselves as a couple to the WFNJ agency) unless such person is receiving SSI or public assistance through the WFNJ/TANF program component." N.J.A.C. 10:90-2.7(b)(1)(iii); see also N.J.A.C. 10:90-15.1 (stating the definition for "couple").

Here, the record in the matter reflects that Petitioner, in filing his application for

WFNJ/GA benefits, disclosed to the Agency that he lives with an individual that he referred to as his fiancée. (hereinafter referred to as M.R.). See Initial Decision at 2; see also Exhibits R-1 at 1 and C-1 at 15. Petitioner testified that the Agency's in-take representative recorded the references to fiancée on his behalf. See Initial Decision at 3. The record also reflects that Petitioner is unemployed and M.R.'s Social Security Disability benefits, netting out at \$683.00 per-month, constitutes the household's total monthly income. *ibid.* When Petitioner was questioned by the ALJ as to how, with there being a \$177.00 per-month deficit, the \$860.00 per-month rent was paid in full to date, Petitioner was unable to provide a reason for the discrepancy. *id.*

Additionally, the record shows that Petitioner and M.R. have resided together in the same apartment for approximately 15 years. *id.* It was the contention of Petitioner that his relationship with M.R. as a couple ended well before January 2015, and they then continued to live together as roommates. *id.* After the ALJ elicited testimony from Petitioner regarding sleeping arrangements in the apartment, the ALJ concluded that Petitioner's testimony that he slept alone in a separate room in a child's bunk-bed to be unreliable. *id.* at 3.

Quoting the applicable regulatory provision, N.J.A.C. 10:90-2.7(b)(1)(iii), the ALJ concluded that the Petitioner resides with M.R. and that they are a couple functioning as a single economic unit. See Initial Decision at 5. Accordingly, the ALJ determined that the Agency's denial of Petitioner's WFNJ/GA benefits application be affirmed. *ibid.* I concur with the ALJ's determination.

Based upon the foregoing, the Initial Decision is hereby ADOPTED, and the Agency's action is AFFIRMED.

JUN 05 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director