



State of New Jersey

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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

REMAND DECISION

OAL DKT. NO. HPW 8904-14 J.S.

AGENCY DKT. NO. GA485315 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner's request because Petitioner received a lump sum of money in Unemployment Insurance Benefits ("UIB"), thereby making Petitioner ineligible for WFNJ/GA for a period of 41 months. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On September 23, 2014, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The ALJ left the record open for submission of additional documents which were received on September 30, 2014, and the record closed. On November 20, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's action of imposing a period of ineligibility but modified the ineligibility period from 41 months to 21 months, concluding August 31, 2014.

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 MODIFY the ALJ's Initial Decision and REMAND to the Agency for a reevaluation of Petitioner's eligibility for WFNJ/GA benefits as discussed below.

In order to determine an individual's eligibility for WFNJ/GA benefits, the individual must supply the Agency with certain documentation regarding his earned and unearned income, resources, the composition of the household, and any lump sum receipts of money, to name a few. See N.J.A.C. 10:90-3 et seq.

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In the instant case, the Petitioner received a lump sum unemployment payment in October of 2013.

"When a nonrecurring earned or unearned lump sum payment is received, to the extent it is not earmarked and used for the purpose for which it was paid, that income shall be used to repay assistance [if any].... [Thereafter...] 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). An appropriate disregard is considered as money spent to "purchase items that are integral in promoting self-sufficiency, such as the purchase of a first vehicle, vehicle repairs or essential household items." N.J.A.C. 10:90-3.18(c)(1).

The Agency makes allowances to disregard a portion of the remaining 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 pursuant to N.J.A.C. 10:90-3.18(c)(1). If the remaining amount exceeds 200 percent of the payment level for the assistance unit size then the assistance unit is ineligible for the number of full months derived by dividing this total income by the payment level applicable to the eligible assistance unit size. N.J.A.C.10:90-3.18(d).

In the instant case, the ALJ found that Petitioner received a lump sum unemployment benefit payment in October of 2013 in the amount of \$13,052. See Initial Decision at 3; see also Exhibit: "NJDOL-Loops All Claims Inquiry." The ALJ disregarded a total of \$6,081.00 for the purchase of a motor vehicle, vehicle insurance and vehicle repairs. See Initial Decision at 5; see also Exhibits P-10, R-4. This disregard left a total lump sum of \$6,970.90 upon which to determine the period of ineligibility. See Initial Decision at 5. Based on this finding, and the maximum payment level for a household of one at \$324.00, see N.J.A.C. 10:90-3.18(d)(1), the ALJ determined that the Petitioner was not eligible for WFNJ/GA benefits for the period of twenty-one months, commencing December 1, 2013 and concluding August 31, 2014 (this appears to be a typographical error and should read August 31, 2015). See Initial Decision at 5.

Upon review of the totality of the record, I find that certain disregards of the lump sum were not taken into account, such as rental payments, utility payments, medical bills, any loan repayments, and the like for "items...integral in promoting self-sufficiency." See N.J.A.C. 10:90-3.18(c)(1).

Specifically, the Petitioner received his lump sum payment in October of 2013. He did not apply for WFNJ/GA until March 28, 2014, which is five months after receipt of the lump sum payment. According to the record, the Petitioner made substantial payments for rent during that five month period, and paid substantial medical bills.

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See Exhibits P-1, P-7, P-9, and P-10. It is my contention that pursuant to N.J.A.C. 10:90-3.18(c)(1), the aforementioned payments should be counted as a disregard for WNFJ/GA eligibility purposes.

Based upon the foregoing, Petitioner may be eligible for WFNJ/GA benefits if he can properly document his lump sum expenditures (e.g. rent, utilities, medical bills, any loan repayments). As such, I am remanding to the Agency for a reevaluation of Petitioner's WFNJ/GA eligibility as outlined above.

If Petitioner's lump sum payment does not exclude him from WFNJ eligibility, Petitioner is advised that eligibility for WFNJ/GA cash assistance benefits shall commence only after the applicant has completed a minimum of 28 days in an employment-related activity through Labor and Workforce Development. An applicant's failure to comply with the employment-related activity requirement, without good cause, shall result in a denial of the applicant's WFNJ/GA application and a 30-day period of ineligibility. N.J.A.C. 10:90-1.2(f)8.

If, following reevaluation by the Agency, as outlined above, Petitioner disagrees with the Agency's determination, Petitioner may, without prejudice, request a fair hearing on an emergent basis.

Accordingly, the Initial Decision is MODIFIED, and the matter is REMANDED to the Agency.

JAN 21 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director