



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
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Kim Guadagno
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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 1653-15 T.B.

AGENCY DKT. NO. C654742 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits because the assistance unit's countable income exceeded the maximum allowable WFNJ/TANF benefit level and monthly rent, and the termination of Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits because the household's calculated net income exceeded the applicable eligibility limit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 9, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 25, 2015, the ALJ issued an Initial Decision which affirmed the Agency determination.

No exceptions to the Initial Decision were received.

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

I find that the Agency appropriately terminated WFNJ/TANF benefits because Petitioner's Unemployment Insurance Benefits ("UIB") exceeded the maximum allowable benefit level authorized by N.J.A.C. 10:90-3.3(b). -3.9(b) and (e). Initial Decision at 2, 5; Exhibits R-3, R-8, and R-9. The Agency also appropriately terminated EA benefits because the assistance unit's countable income, including

Petitioner's UIB and a minor child's Supplemental Security Income ("SSI") benefits, exceeded rent. N.J.A.C. 10:90-6.1(a)(1). Initial Decision at 2, 5. Likewise, the Agency appropriately terminated SNAP benefits because the household's separately computed net income exceeded the applicable eligibility limit. N.J.A.C. 10:87-6.16; -12.3. For the reasons stated by the ALJ, I further find Petitioner had implied notice of the Agency's adverse action letter dated January 1, 2015. Initial Decision at 7.

By way of comment, I note that the Initial Decision improperly included the SSI benefits of a minor child in the calculation of WFNJ net income and incorrectly included the child in the number comprising the assistance unit, resulting in the incorrect maximum allowable benefit level of \$424.00 for an assistance unit of three. See Schedule II of N.J.A.C. 10:90-3.3(b). Additionally, it appears from the record that there is only one eligible adult in the assistance unit. See Exhibit R-7. Thus, the maximum benefit level for a WFNJ/TANF assistance unit of one is \$162.00. See Schedule II of N.J.A.C. 10:90-3.3(b). Because the Petitioner's UIB exceeded the maximum income benefit level of \$162.00, the Agency appropriately terminated his WFNJ/TANF benefits.

Accordingly, the Initial Decision is ADOPTED and the Agency determination is AFFIRMED.

MAY 11 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director