



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 2976-15 V.J.

AGENCY DKT. NO. C052113 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because she receives monthly child support payments ("CSP"), which puts her income above the allowable WFNJ/TANF benefit level, and she incurred a sanction for noncompliance with her service plan ("SP"). The Agency terminated Petitioner's EA benefits because she was no longer a WFNJ/TANF recipient, and therefore no longer eligible for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 28, 2015, the Honorable Diana C. Sukovich, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. The record was held open to allow Petitioner to present additional witnesses, however none were forthcoming, and the record was closed on May 8, 2015.

On May 29, 2015, the ALJ issued her Initial Decision, affirming the Agency's determination. Here Petitioner's monthly CSPs put her over income for receipt of WFNJ/TANF benefits, and accordingly, the Agency terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 2. After a thorough review of Petitioner CSP records, the ALJ found that from December 2014 through February 2015, while a resident of New Jersey, Petitioner was receiving monthly CSPs which averaged \$667; after subtracting a \$100 monthly, disregard (exempt income for WFNJ/TANF purposes), Petitioner's monthly CSPs are \$567, which exceeds the

\$424 monthly benefit for which Petitioner's household is entitled. Id. at 3-9; see also N.J.A.C. 10:90-3.3(b). Additionally, the ALJ found that because Petitioner's WFNJ/TANF benefits were terminated, she was no longer eligible for EA benefits. See Initial Decision at 5, 9-10. Finally, the ALJ found that the Agency failed to prove that Petitioner violated her SP, however, that finding was not determinative in this case. Id. at 10.

No Exceptions to this Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

By way of comment, it appears from the fair hearing transmittal sheet that Petitioner may have an issue regarding her Supplemental Nutrition Assistance Program ("SNAP") benefits; however, no such issue was addressed at the hearing. Therefore, if Petitioner still has an issue concerning her SNAP benefits, she is encouraged to request a fair hearing on the matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED.

JUN 12 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director