



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 18676-15 L.I.

AGENCY DKT. NO. GA505258 (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") and Emergency Assistance ("EA"), and the reduction of his Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency terminated Petitioner's WFNJ/GA and EA benefits, and reduced his SNAP benefits as it contended that Petitioner's countable income exceeded the maximum permissible income level. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 15, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing on all the issues presented, took testimony, and admitted documents into evidence.

On January 4, 2016, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner was awarded WFNJ/GA, EA, and SNAP benefits but found employment on August 15, 2015. See Initial Decision at 2. Petitioner maintains that his income varies from week to week, and that he is currently laid off due to lack of work. *Ibid.* The Agency calculated Petitioner's income to be \$1,057.00 monthly and terminated Petitioner's WFNJ/GA benefits because he was over the maximum allowable amount. *Ibid.*; see also N.J.A.C. 10:90-3.5(b). Consequently, because Petitioner was no longer a WFNJ recipient, the ALJ found he is no longer eligible to receive EA. See Initial Decision at 3; see also N.J.A.C. 10:90-6.2(a). I agree.

In addition, even though Petitioner did not contest the Agency's calculation of SNAP benefits, I agree with the ALJ's conclusion that Petitioner's SNAP benefits were properly reduced based on his earned income. See Initial Decision at 5; see also N.J.A.C. 10:87-12.3.

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 decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

By way of comment, it appears from the record presented that Petitioner began work on September 1, 2015, and based on his paystubs, works an average of 40 hours per week and receives a paycheck on a weekly basis. See Exhibit R-2 at 2; see also Exhibit R-3. Therefore, Petitioner's first month of employment was September, where he was entitled to a 100% income disregard. See N.J.A.C. 10:90-3.8(b). The following months of October and November, Petitioner would be entitled to a 75% income disregard. Ibid. Thus, after applying the 75% income disregard to Petitioner's submitted November income of \$1057.00 as noted above, his net income for the month would equal \$264.25, which is greater than the maximum allowable amount, thereby further substantiating the Agency's termination of WFNJ benefits. See N.J.A.C. 10:90-3.5(b).

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

Signed Copy on File

at DFD, BARA

JAN 20 2016

Natasha Johnson
Director