



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 16103-15 V.G.

AGENCY DKT. NO. GA593987 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of her Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits because it determined that the lump sum Unemployment Insurance Benefits ("UIB") payment that she had received, rendered her ineligible for WFNJ/GA benefits for a period of six months. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 13, 2015, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On December 3, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 MODIFY the Agency's determination.

When a nonrecurring earned or unearned lump sum payment is received, that income shall be used to repay assistance granted in accordance with the agreement to repay, if applicable. After the agreement to repay is satisfied, 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. See 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." See 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. See N.J.A.C.10:90-3.18(d).

In the present matter, the record shows that Petitioner received a UIB payment in the amount of \$1,926 on July 1, 2015. See Initial Decision at 2. The record also shows that Petitioner used \$1,400 of the lump sum received to pay down her rental arrears. *Ibid.* Additionally, the record shows that the Agency determined that the \$1,926 lump sum exceeded 200 percent of the WFNJ/GA maximum payment level for Petitioner's assistance unit ("AU") size of one (\$324), thereby rendering Petitioner ineligible for WFNJ/GA benefits for a period of six months. *Id.* at 3; see also N.J.A.C. 10:90-3.18(d). The ALJ concluded that the Agency properly terminated Petitioner's WFNJ/GA benefits for the foregoing reasons. See Initial Decision at 3.

While I agree with the ALJ's conclusion that the Agency properly terminated Petitioner's WFNJ/GA benefits, I disagree with his finding that the Agency properly determined her period of WFNJ/GA ineligibility. Here, the ALJ found that Petitioner's rent was several months in arrears, and Petitioner used \$1,400 of her lump sum payment to apply toward that outstanding balance. See Initial Decision at 2. However, the Agency did not consider Petitioner's payment of her back rent as an appropriate disregard. *Ibid.* I find that the Agency should have taken Petitioner's \$1,400 rent payment into account when determining her ineligibility period, because paying one's rent is an integral part of promoting self-sufficiency. See N.J.A.C. 10:90-3.18(c)(1). Therefore, the \$1,400 should be deducted from \$1,926, leaving \$526 as the remaining lump sum income. *Ibid.* Additionally, since Petitioner's total remaining lump sum income (\$526) exceeds 200 percent of the WFNJ/GA maximum payment level for her AU size of one (\$324), she will be ineligible for WFNJ/GA benefits for a period of two months (526 divided by 324 equals 1.62). See N.J.A.C. 10:90-3.18(d). Accordingly, I find that the Agency properly terminated Petitioner's WFNJ/GA benefits, but it improperly determined her period of WFNJ/GA ineligibility. The Initial Decision and the Agency action are modified to reflect this finding.

Based on the foregoing, the Initial Decision is MODIFIED and the Agency's action is MODIFIED.

JAN 26 2016

Signed Copy on File

at DFD, BARA

Natasha Johnson
Director