



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 **06353-24 A.C.**

AGENCY DKT. NO. **C050365018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner WFNJ/TANF benefits, contending that her receipt of court ordered child support put her over the maximum eligibility level for receipt of WFNJ/TANF benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 28, 2024, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ") held a plenary hearing, took testimony, admitted documents, and the record was closed. On June 17, 2024, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

Once initial financial eligibility for a WFNJ/TANF benefits recipient has been established, financial eligibility continues to exist so long as the assistance unit's total countable income (with the benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income) is less than the maximum benefit payment level allowable for the size of the assistance unit, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). See N.J.A.C. 10:90-3.1(c). For an assistance unit of two, the maximum allowable benefit level is \$425. See N.J.A.C. 10:90-3.3(b), and DFD Instruction ("DFDI") No. 19-21.

Pursuant to N.J.A.C. 10:90-6.2(a), only WFNJ benefits recipients and Supplemental Security Income ("SSI") recipients, are eligible for EA benefits.

Here, the ALJ found, and the record substantiates, that Petitioner receives court ordered child support payments in an amount which make her financially ineligible for WFNJ/TANF. See Initial Decision at 2-3, see also Exhibits R-1 at 21-25, 26, 29-30. The record reflects that Petitioner's household consists of an assistance unit ("AU") of two persons. See Initial Decision at 2; see also N.J.A.C. 10:90-3.3(b). Petitioner does not dispute that she is receiving child support payments but testified that such payments have been inconsistent and that she is unable to afford rent without the receipt of WFNJ/TANF benefits. See Initial Decision at 2. The record further reflects that Petitioner's AU was receiving WFNJ/TANF benefits until Petitioner began to receive child support payments in the amount of \$538 per month as ordered by the court. See Initial Decision at 3; see also Exhibit R-1 at 29-30. As a result, the Agency terminated Petitioner's WFNJ/TANF benefits effective May 1, 2024, because her monthly unearned income from child support payments brought the



household income over the maximum benefit level of \$425 per month allowable for WFNJ/TANF benefits for an AU of two, such as Petitioner's. See Initial Decision at 2-3, see also Exhibit R-1 at 19, 26, and N.J.A.C. 10:90-3.1(c).

Based on the testimony and documentary evidence submitted, the ALJ concluded that Petitioner was ineligible for WFNJ/TANF benefits, and accordingly, concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 3. I agree.

Further, the ALJ also concluded that, as Petitioner was no longer eligible for WFNJ/TANF benefits, and is not an SSI benefits recipient, she was ineligible for EA benefits, and that termination was also proper and must stand. Ibid.; see also N.J.A.C. 10:90-6.2(a). I also agree.

By way of comment, should Petitioner have a change in her circumstances, including in her household's earned or unearned income, she may reapply for WFNJ/TANF benefits.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version. July 11, 2024

Natasha Johnson
Assistant Commissioner

