



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 09460-19 M.R.

AGENCY DKT. NO. C260065009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA"). The Agency denied Petitioner WFNJ/TANF benefits, contending that her child support income exceeded the allowable eligibility limits, and denied Petitioner EA benefits because she was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 24, 2019, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 25, 2019, 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 ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF benefits is found, financial eligibility continues to exist "as long as the total countable income of a WFNJ/TANF benefits assistance unit (with 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 for the appropriate eligible assistance unit size," in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of three, the maximum allowable income level for initial eligibility is \$700, and the maximum allowable benefit level is \$466. *Ibid.*; see also Informational Transmittal ("IT") 19-12.

In accordance with N.J.A.C. 10:90-3.8(h) governing child support income, the total amount of child support received is considered income for purposes of WFNJ/TANF benefits eligibility. Eligibility for WFNJ/TANF benefits exists "provided that the total amount of child support received for that month is less than the monthly WFNJ grant amount." Once eligibility is established, the WFNJ/TANF benefits recipient retains up to \$100 of their total child support income, and that \$100, or any lesser amount retained, is disregarded as income. *Ibid.*; see also DFD Instruction 09-1-4.



Here, the record reflects that Petitioner's household consists of an assistance unit of three, with a maximum allowable income level of \$700, and a maximum allowable benefits level of \$466. See Initial Decision at 3; see also N.J.A.C. 10:90-3.3(a), (b), and IT 19-12. The ALJ found, and the record substantiates, that Petitioner's gross monthly child support income is \$650. See Initial Decision at 3; see also Exhibits R-2, R-3. Based on the foregoing, I find that Petitioner's monthly income is below the maximum allowable for initial eligibility for WFNJ/TANF benefits, however, after applying the appropriate \$100 child support disregard, Petitioner's monthly child support income is \$550, which exceeds the maximum allowable benefits level for receipt of WFNJ/TANF benefits. See N.J.A.C. 10:90-3.1(b), -3.3(a), -3.3(b), -3.8(h). Therefore, I concur with the ALJ's conclusion that Petitioner is ineligible for WFNJ/TANF benefits, and that the Agency's denial of said benefits to Petitioner was proper and must stand. See Initial Decision at 3, 5; see also Exhibit R-6. The Initial Decision is modified to reflect this analysis and findings.

The ALJ also found that because Petitioner is not a WFNJ or SSI benefits recipient, she is ineligible for EA benefits. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.2(a)(limiting eligibility for EA benefits to WFNJ and Supplemental Security Income benefits recipients). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5; see also Exhibit R-6. I also agree.

By way of 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 MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

AUG - 1 2019

Natasha Johnson
Director

