



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 12882-24 C.T.

AGENCY DKT. NO. C025039014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits contending that her monthly child support payments ("CSP") put her income above the allowable WFNJ/TANF benefit eligibility level. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 14, 2024, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On November 20, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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. 10:90-3.2(a), in order to determine initial financial eligibility for WFNJ benefits for a new applicant, reapplicant or reopened case, "all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule I at N.J.A.C. 10:90-3.3." See also N.J.A.C. 10:90-3.1(b). Further, "[i]f the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/TANF initial financial eligibility exists." See N.J.A.C. 10:90-3.2(a). For an assistance unit of three, effective January 1, 2019, the maximum allowable income level is \$839. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/TANF assistance unit (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned and unearned income) is less than the maximum benefit payment level for the appropriate eligible AU 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 benefit level is \$559. Ibid.; see also DFD IT 19-21.

In accordance with N.J.A.C. 10:90-3.9(b), child support payments received are considered income for purposes of determining WFNJ/TANF benefits eligibility. N.J.A.C. 10:90-3.8(h), permits for up to \$100 disregard of child support income in determining initial eligibility for WFNJ/TANF benefits and cash assistance benefits computation "provided that the total amount of child support received for that month is less than the monthly WFNJ grant amount." See also DFD Instruction ("DFDI") 09-01-04.



Here, the record reflects that Petitioner applied for WFNJ/TANF benefits on January 16, 2024, on behalf of her assistance unit ("AU") which consists of herself and two minor dependent children. See Initial Decision at 2; see also Exhibit R-9. Petitioner has an additional older child, who is not part of the assistance unit receiving TANF, however, Petitioner does receive \$460 per month in child support for that older child. See Initial Decision at 2. During July 2024, the Agency's Income Maintenance Unit received a referral from the Child Support Unit advising that Petitioner had begun to receive additional child support payments. Ibid. Pursuant to a July 17, 2024, Superior Court Order, Petitioner began receiving child support payments of \$190 per week on behalf of her two younger children. Ibid.; see also Exhibits R-10, R-12. The Agency determined that, effective July 2024, Petitioner's gross monthly income totaled \$1,283.27, comprised of \$460 of monthly child support payments for her eldest child, and \$823.27 for her two younger children. Ibid. Petitioner's gross monthly income was therefore determined by the Agency to exceed the maximum allowable benefit level of \$559 per month for WFNJ/TANF benefits for an AU of three, and accordingly, the Agency terminated Petitioner's WFNJ/TANF benefits. See Exhibit R-15; see also N.J.A.C. 10:90-3.1(c), -3.3(b), -3.8(h), and DFD IT No. 19-21. Based on the foregoing, the ALJ concluded that Petitioner is ineligible for WFNJ/TANF benefits, and as such, the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 4; see also N.J.A.C. 10:90-3.1(c), -3.3(b), -3.8(h). While I agree with the ALJ's final conclusion in this matter, the ALJ incorrectly cites to the initial eligibility threshold amount of \$839 in the Initial Decision. See Initial Decision at 3, 4. As Petitioner had been receiving WFNJ/TANF benefits since earlier in the year, the correct threshold amount to be applied for continued eligibility for WFNJ/TANF benefits is the maximum allowable benefits level amount of \$559. See N.J.A.C. 10:90-3.3(b) and DFD IT 19-21. The Initial Decision is hereby modified to this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. December 26, 2024

Natasha Johnson
Assistant Commissioner

