



State of New Jersey

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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 **08869-24 H.B.**

AGENCY DKT. NO. **C050100018 (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's WFNJ/TANF benefits because her household income was over the maximum benefits level for continued eligibility, and terminated Petitioner's EA benefits because she was no longer a WFNJ/TANF benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 16, 2024, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 29, 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, MODIFY the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the record reflects that Petitioner's assistance unit ("AU") consists of herself and two dependent children. See Initial Decision at 2. Petitioner's AU was receiving WFNJ/TANF benefits until such time as Petitioner reported receiving child support payments calculated at the monthly amount of \$823, which, after the appropriate \$100 child support disregard was applied, brought the monthly household income of \$723 over the maximum benefit level of \$559 per month allowable for WFNJ/TANF benefits for an AU of three. Ibid; see also Exhibit R-1 at 22-32, 40-41, and N.J.A.C. 10:90-3.1(c), -3.3(b), -3.8(h), and DFD Informational Transmittal ("DFD IT") No. 19-21. Accordingly, the Agency terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 17-18. Based on the foregoing, the ALJ concluded that Petitioner is ineligible for WFNJ/TANF benefits because her household income exceeds the maximum benefit eligibility level, and that Petitioner is ineligible for EA benefits because she is no longer a WFNJ benefits recipient. See Initial Decision at 3; see also N.J.A.C. 10:90-3.3(b), -3.8(h), -6.2(a) (limiting eligibility for EA benefits to WFNJ and Supplemental Security Income ("SSI") benefits recipients). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was proper and must stand. Ibid.; see also Exhibit R-1 at 17-18.

While I agree with the ALJ that the termination of WFNJ/TANF benefits was proper in this case, nonetheless, with respect to the EA termination, N.J.A.C. 10:90-6.2(a) provides that SSI recipients are eligible for EA benefits. By virtue of Petitioner's child's SSI status, Petitioner's assistance unit may be eligible for EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 33. As noted in DFD Instruction ("DFDI") 08-4-5 at 13, "[w]hile it is recognized that a non-needy parent-person will benefit from the EA provided by the agency on behalf of the eligible child, it is the child who is eligible for the WFNJ [EA] benefits and, as such, EA benefits shall be made available on behalf of the child when there is a



need in accordance with N.J.A.C. 10:90-6.1.” Also noted in DFDI 08-4-5 at 13, “EA shall be provided in an amount to adequately house the assistance unit and the parent-person(s).” Therefore, I find that EA benefits are permissible under our regulatory structure for an SSI child only case, and as such, remand this matter back to the Agency for a reevaluation of EA benefits on behalf of the SSI child.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency’s determination is MODIFIED, and the matter REMANDED to the Agency, as outlined above.

Officially approved final version. September 05, 2024

Natasha Johnson
Assistant Commissioner

