



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **08782-24 K.C.**

AGENCY DKT. NO. **C283704009 (HUDSON COUNTY DEPT OF FAM 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 total monthly income exceeded the maximum allowable level for continued receipt of said benefits, and terminated her EA benefits because she was no longer a WFNJ, nor a Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 22, 2024, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 28, 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 ("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 determinations, based on the discussion below.

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). Effective July 1, 2019, for a WFNJ/TANF assistance unit of two persons, the maximum allowable benefit level is \$425. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") No. 19-21.

Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, an independent review of the record reflects that Petitioner reapplied for WFNJ/TANF benefits on May 9, 2024, and paystubs provided by Petitioner reported bi-monthly gross earned income of \$1,564.55, or \$3,129.10 per month. See Exhibit R-2. The Agency employee testified as to a 75% earned income disregard being applied to that monthly amount, and therefore, when calculating Petitioner's income for WFNJ eligibility Petitioner's income was \$782.25 per month. See Initial Decision at 3. As Petitioner's income exceeded the WFNJ/TANF benefit amount of \$425, by notice dated May 22, 2024, the Agency terminated Petitioner's WFNJ/TANF benefits effective June 1, 2024. See Exhibit R-4. Consequently, also on May 22, 2024, as Petitioner was no longer a WFNJ benefits recipient, nor an SSI benefits recipient, the Agency terminated Petitioner's EA benefits effective June 30, 2024. See Exhibit R-1. Based on the foregoing, I agree with the ALJ's final conclusion in this case that the Agency's termination of both WFNJ and EA benefits was correct. See Initial



Decision at 3; see also N.J.A.C. 10:90-3.1(b)(1), -3.6, -6.2(a), and DFD IT No. 19-21. The Initial Decision is modified to reflect the above findings.

Additionally, the transmittal in this matter included a contested issue as to the termination of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits, which was not substantively addressed by the ALJ in this case. See Exhibit R-4; see also Initial Decision at 2, fn 1. However, I do note that, based on Petitioner's gross monthly earned income exceeds the maximum allowable gross income amount, for a household size of two, of \$3,041. See N.J.A.C. 10:87-6.16(d)(2); see also DFD Instruction ("DFDI") 23-09-01 at 13.

By way of comment, the Agency in this matter also asserted that Petitioner had a teaching job, as well as a second job as a security guard at the same school. See Initial Decision at 2. I disagree with this assertion, as the record substantiates that Petitioner was a salaried 10-month security guard, paid bi-monthly, and that smaller payment amounts, during the month of March 2024, were per diem amounts, presumably for overtime worked, and paid at an hourly rate. See Exhibit R-2. However, based on Petitioner's bi-monthly salary alone, and after application of the 75% earned income disregard, I agree that Petitioner was correctly determined ineligible for WFNJ/TANF benefits, and therefore, inclusion of this non-recurring earned income does not change the outcome in this matter.

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

Officially approved final version. November 26, 2024

Natasha Johnson
Assistant Commissioner

