



# State of New Jersey

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*Governor*

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 **01100-24 Z.O.**

AGENCY DKT. NO. **C170646003 (BURLINGTON COUNTY BD. 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, as well as the reduction of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because her total monthly income was over the maximum allowable benefit level for 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 ("OAL") for a hearing. On March 28, 2024, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony, and admitted documents. On April 11, 2024, the ALJ issued an Initial Decision, affirming the Agency's determinations as to the termination of WFNJ/TANF and EA benefits and remanding the matter to the Agency for recalculation of Petitioner's income for SNAP benefits.

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 ADOPT the ALJ's Initial Decision, and AFFIRM in part, and REVERSE and REMAND in part the Agency's determinations, based on the discussion below.

Financial eligibility for WFNJ benefits is determined based upon the assistance unit's countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). 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 two, effective July 1, 2019, the initial maximum allowable income level is \$638. See Exhibit R-1; see also N.J.A.C. 10:90-3.3(a) and 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 assistance unit's total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, if applicable) 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). For an assistance unit of two, the maximum allowable benefit level is \$425. See N.J.A.C. 10:90-3.3(b); see also DFD IT 19-21.



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

Here, the record reflects that Petitioner received WFNJ/TANF and EA benefits beginning in March 2023. See Initial Decision at 4. Upon learning in October 2023 that Petitioner became employed, and, upon request and receipt of her paystubs, the Agency became aware that her income exceeded the income eligibility limits, which resulted in the Agency terminating Petitioner’s WFNJ/TANF benefits due to the amount exceeding the maximum income benefits level of \$425 for continued eligibility, effective February 12, 2024. See Exhibits R-1, R-5, R-8, R-9; see also Initial Decision at 2 and N.J.A.C. 10:90-2.2, -3.2. Additionally, as Petitioner was no longer a WFNJ benefits recipient, nor an SSI benefits recipient, the Agency, by notice dated December 21, 2023, terminated Petitioner’s EA benefits effective January 1, 2024. *Ibid.*; see also N.J.A.C. 10:90-6.2(a). Based on the record presented, the ALJ agreed that both of the Agency’s terminations, as to WFNJ/TANF and EA benefits, were proper and must stand. See Initial Decision at 3-4. I agree.

Further, the record reflects that Petitioner received SNAP benefits beginning March 2023. See Initial Decision at 4. Upon learning that Petitioner became employed, and that she was receiving increased income, the Agency recalculated Petitioner’s SNAP benefits and her benefits were reduced by \$5 effective January 1, 2024. See Initial Decision at 2-3. The ALJ found that the Agency performed the calculation in accordance with N.J.A.C. 10:87-6.16(b), but neglected to include Petitioner’s dependent care expenses in the calculation. See Initial Decision at 8-9. Petitioner testified during the hearing that she took her daughter to daycare when she was employed and the ALJ found that it is reasonable to believe she incurred day care expenses and that such expenses were not included in the SNAP benefits recalculation. See Initial Decision at 9. Thus, the ALJ concluded that the Agency should reevaluate Petitioner’s SNAP benefits case to determine if dependent care expenses would alter her SNAP benefits allotment amount. *Ibid.* I agree and direct that Petitioner is to provide proof of her dependent care expenses to the Agency within 10 days of the receipt of the Final Agency Decision, if she has not already done so.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/TANF and EA benefits, should her circumstances warrant.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s determinations, terminating Petitioner’s WFNJ/TANF and EA benefits, are AFFIRMED, as outlined above, and REVERSED and REMANDED to the Agency as to the recalculation of Petitioner’s SNAP benefits allotment, as outlined above.

Officially approved final version.      May 16, 2024

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Natasha Johnson  
Assistant Commissioner

