



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 06213-19 R.A.

AGENCY DKT. NO. C303937007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/TANF benefits because her income exceeded the allowable eligibility limits, and denied Petitioner EA benefits because she was neither a WFNJ cash benefits recipient, 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 May 9, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 10, 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, as discussed 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 two, effective January 1, 2019, the maximum allowable income level is \$531. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-12.

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

Here, the record reflects that Petitioner's assistance unit consists of herself and her minor child. See Initial Decision at 3. The ALJ found that Petitioner has temporary disability income in the amount of



\$1,292 per month, and monthly child support income in the amount of \$420, totaling \$1,712. Ibid.; see also Exhibits R-2, R-3. Based on the foregoing, and after applying a \$100 child support disregard towards Petitioner's monthly income, the ALJ found that Petitioner's monthly income exceeded the maximum allowable monthly income of \$334 for an assistance unit of two, and as such, she is ineligible for WFNJ/TANF and EA benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90-3.3, 3.8(h), and -3.9(e). Accordingly, the ALJ concluded that the Agency's denial of WFNJ/TANF and EA benefits to Petitioner was proper. See Initial Decision at 4; see also Exhibit R-1.

While I agree with the ALJ's ultimate conclusion in this matter, I disagree with ALJ's legal analysis. Specifically, it is unclear how the ALJ arrived at the \$334 per month maximum allowable income level for WFNJ/TANF benefits eligibility. See Initial Decision at 2; see also N.J.A.C. 10:90-3.1(b), -3.2(a), 3.3(a). Further, I find that the \$100 disregard, set forth in N.J.A.C. 10:90-3.8(h), applied by the ALJ in this matter, is not applicable when determining an applicant's initial financial eligibility for receipt of WFNJ/TANF benefits. See Initial Decision at 2-3; see also N.J.A.C. 10:90-3.1(a), (b). Rather, I find that Petitioner's total monthly income of \$1,712 exceeds the initial financial eligibility level of \$531, for an assistance unit of two, and on that basis, Petitioner is currently ineligible for WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibits R-2, R-3, and N.J.A.C. 10:90-3.1(b), -3.2(a), 3.3(a), and DFD IT No. 19-12. Also, I find that Petitioner is ineligible for EA benefits on the basis that she is not a WFNJ or SSI benefits recipient. See Initial Decision at 4; see also N.J.A.C. 10:90-6.2(a). Based on the foregoing analysis, I concur with the ALJ's conclusion that the Agency's denial of WFNJ/TANF and EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-1. The Initial Decision is modified to reflect these findings.

By way of comment, the record indicates that Petitioner will be receiving her last weekly temporary disability check in the amount of \$596 on May 20, 2019, which will result in Petitioner's monthly income being reduced to \$420. See Initial Decision at 3-4. Therefore, once Petitioner's temporary disability payments cease, she may reapply for WFNJ/TANF and EA benefits.

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

Officially approved final version.

MAY 15 2019

Natasha Johnson
Director

