



State of New Jersey

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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 **17924-24 K.C.**

AGENCY DKT. NO. **C227188009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. The Agency denied Petitioner's WFNJ/GA benefits because her total monthly child support income put her over the initial maximum allowable eligibility level for WFNJ/GA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 9, 2025, the Honorable Aurelio Vincitore, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until January 10, 2025, and then closed. On January 13, 2025, 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 determinations, based on the discussion below.

Initial financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's ("AU") countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). If a WFNJ/GA AU has income that is equal to or less than the maximum allowable income level, then financial eligibility exists. See N.J.A.C. 10:90-3.1(b) and -3.5(a). The maximum allowable income level for an employable WFNJ/GA benefits AU that consists of one individual is \$278 per month. See DFD Informational Transmittal ("DFD IT") No. 19-21.

Only Work First New Jersey ("WFNJ") and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here the ALJ found, and the record substantiates, that pursuant to court order, Petitioner receives \$160 per week in child support payments. See Initial Decision at 2; see also Exhibit R-3. Accordingly, the ALJ concluded that Petitioner's monthly household unearned income exceeds the initial financial eligibility amount of \$278 per month for WFNJ/GA eligibility. See Initial Decision at 3; see also Exhibit R-3, and N.J.A.C. 10:90-3.1(a), (b), -3.5(a), and DFDIT No. 19-21. The ALJ also found that, although Petitioner's child is no longer residing with her, she continues to receive said cash support from the father of the child. See Initial Decision at 2; see also Exhibit R-2. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 3; see also Exhibit R-1. I agree. Moreover, I find that the father's letter submitted into evidence by Petitioner, wherein he states that he no longer pays said child support to Petitioner, is not sufficient proof of such arrangement, and further,



it does not appear that the child support order has been modified regarding such support payments. See Exhibit R-2 and N.J.A.C. 1:1-15.5.

Additionally, although the ALJ found that a denial of Petitioner's EA benefits was not a transmitted issue, and as such did not address such denial in the Initial Decision, based on the ALJ's WFNJ/GA benefits conclusion discussed above, I find that in accordance with regulatory authority, Petitioner is also ineligible for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.2(a). The Initial Decision is modified to reflect this finding.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version. January 17, 2025

Natasha Johnson
Assistant Commissioner

