



State of New Jersey

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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 **07869-26 E.C.**

AGENCY DKT. NO. **C295954009 (HUDSON COUNTY DEPT OF FAM SVCS)**

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's application for WFNJ/TANF benefits, contending that the assistance unit's ("AU") unearned income from his minor child's monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits put the AU over the maximum benefit eligibility level for receipt of WFNJ/TANF benefits, and denied Petitioner's application for EA benefits, because he was not a WFNJ, nor Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 21, 2026, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 22, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner on May 26, 2026.

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 the Agency's determination, based on the discussion below.

In accordance with N.J.A.C. 10:90-3.1(a), when determining WFNJ eligibility, all countable income (both earned and unearned) and resources of all persons in an assistance unit of which the applicant or recipient is a member, are considered. (emphasis added).

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 maximum allowable income level is \$638. See N.J.A.C. 10:90-3.3(a); see also 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 ("AU") 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, such



as Petitioner's, the maximum allowable benefit level is \$425. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

In accordance with N.J.A.C. 10:90-3.9(b), (e), unearned income in form of Retirement, Survivors and Disability Insurance ("RSDI") is countable towards WFNJ eligibility.

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 the AU consists of Petitioner and one child. See Initial Decision at 2. The record reflects that Petitioner began receiving monthly RSDI benefits, in the amount of either \$624 or \$642, on behalf of his minor child. Ibid; see also Exhibit R-3. As the AU receives monthly unearned income from RSDI benefits, which exceeds the WFNJ/TANF maximum benefit level of \$425, the Agency determined that Petitioner is not eligible to receive WFNJ/TANF benefits. Ibid.; see also N.J.A.C. 10:90-3.1, -3.3(b). While Petitioner asserts that the RSDI benefits received on behalf of the AU should not be countable towards WFNJ/TANF eligibility, applicable regulatory authority, cited above, demonstrates that Petitioner's assertion is misplaced. See N.J.A.C. 10:90-3.9(b), (e). Based on the foregoing, the ALJ concluded that the Agency had properly included the AU's RSDI benefits in its eligibility determination for WFNJ/TANF benefits, and as the amount of monthly RSDI benefits exceed the maximum allowable benefit of \$425, the denial of Petitioner's application for WFNJ/TANF benefits was proper and must stand. See Initial Decision at 2-4. I agree.

As Petitioner was denied WFNJ/TANF benefits, he was therefore also denied EA benefits, as a threshold requirement for receipt of EA benefits is that the applicant is receiving either WFNJ benefits or SSI benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.2. Based upon this requirement, as Petitioner is not a WFNJ, nor an SSI, benefits recipient, the ALJ found that he is ineligible for EA benefits. Ibid. Accordingly, the ALJ found that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5. I also agree.

By way of comment, I have reviewed Petitioner's Exceptions and find that the arguments made therein do not alter my decision in this matter.

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

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

Officially approved final version. June 04, 2026

Natasha Johnson
Assistant Commissioner

