



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 **12016-26 E.S.**

AGENCY DKT. NO. **C193023020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), at redetermination, and Emergency Assistance ("EA"), benefits. The Agency denied Petitioner continued WFNJ/TANF benefits at redetermination because her household income exceeded the maximum benefit level for continued eligibility, and terminated Petitioner's EA benefits because she had sufficient income to afford her rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 27, 2026, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 28, 2026, 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

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 total countable income of the WFNJ/TANF, assistance unit ("AU"), with 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 for the appropriate eligible AU size in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of 1, the maximum allowable benefit level is \$214. *Ibid.*; see also DFD Informational (DFD IT) No. 19-21.

Pursuant to N.J.A.C. 10:90-6.1(a)(1), EA benefits shall be made available "[w]hen shelter costs equal or exceed total recorded income to the [Work First New Jersey] WFNJ or [Supplemental Security Income] SSI assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses[.]"

"Recipients of emergency assistance ["EA"], including those receiving [Supplemental Security Income], shall contribute 30 percent of their total household income towards payment of all emergency shelter arrangements, including utilities[.]" See N.J.A.C. 10:90-6.5(a).

Here, the record reflects that Petitioner's AU consists solely of herself, as her two minor children are both Supplemental Security Income ("SSI") benefits recipients, and are therefore not counted as members of the AU. See Initial Decision at 2. In December, 2025, Petitioner moved into an apartment with her two children and began receiving EA/Temporary



Rental Assistance ("EA/TRA"). Ibid.; see also Exhibit R-1. In June, 2026, the Agency reassessed Petitioner for EA/TRA benefits and discovered that Petitioner had begun part-time employment, whereby her earned income was approximately \$1,810.32. Ibid. In addition to her earned income, Petitioner receives \$1,770.25 each month in the form of SSI benefits for her two children. Ibid. In total, Petitioner's monthly income totaled \$3,581. Ibid. The rent for Petitioner's apartment was \$1,700 per month, inclusive of all utilities. Ibid. On June 4, 2026, the Agency terminated Petitioner's EA/TRA benefits, as her income made the rent affordable. See Initial Decision at 3; see also Exhibit R-1.

Petitioner appealed the June 4, 2026 EA/TRA termination, as her landlord had filed, and succeeded, in an eviction action due to Petitioner failing to pay her portion of the rent (\$382 per month) since April, 2026, while in receipt of EA/TRA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.5(a). At the time of the hearing, Petitioner did not dispute that she had failed to pay her portion of the rent. Ibid.

As to the June 4, 2026 EA/TRA termination, the ALJ found that, at the time that Petitioner was reassessed by the Agency, she was receiving earned income from her part-time employment, as well as SSI benefits on behalf of her minor children, WFNJ/TANF benefits, and child support. See Initial Decision at 4; see also Exhibit R-1. Based on the foregoing, the ALJ found that Petitioner had sufficient income to pay her rent, and as such, she was ineligible for EA benefits. See Initial Decision at 4. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. Id. at 4; see also Exhibits R-1, and N.J.A.C. 10:90-6.1(c)(3)(v). I agree.

Petitioner's WFNJ/TANF benefits then became due for a redetermination of benefits, at which time the Agency became aware that Petitioner was in receipt of regular payments of child support. See Initial Decision at 3; see also Exhibit R-2. Based upon the child support payments records, Petitioner receives child support in an average amount of \$377 per month. Ibid. For an AU of one, the maximum WFNJ/TANF benefit level is \$214 per month, and thus, the child support income received by Petitioner exceeds the maximum benefit level per month allowable for continued WFNJ/TANF benefits for an AU of one. Ibid.; see also N.J.A.C. 10:90-3.1(c), -3.3(b), -3.8(b), (h)(4), and DFD IT No. 19-21, DFD IT No. 25-02. Accordingly, the Agency terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 4-5; see also Exhibit R-2. Based on the foregoing, the ALJ concluded that Petitioner is ineligible for continued WFNJ/TANF benefits because her household income exceeds the maximum benefit eligibility level. See Initial Decision at 4-5; see also Exhibit R-2, and N.J.A.C. 10:90-3.3(b), -3.8(b), (h), -3.9(b) and DFD IT No. 19-21. I also agree.

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

Officially approved final version. July 30, 2026

Natasha Johnson
Assistant Commissioner

