



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 386-15 L.N.

AGENCY DKT. NO. GA243412 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF and EA benefits because Petitioner exceeds the maximum income level for WFNJ/TANF eligibility and, in turn, is no longer eligible for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 12, 2015, the Honorable Jesse H. Strauss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 12, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. N.J.S.A. 44:10-56. TANF is a component of WFNJ that provides assistance to adults with dependent children. See N.J.A.C. 10:90-1.1(b). In evaluating an individual's eligibility for WFNJ/TANF benefits, all

countable income and resources of all persons in the assistance unit ("AU") of which

the applicant or recipient is a member, unless exempt, must be considered. See N.J.A.C. 10:90-3.1(a), -3.9(a), -3.10(a), -3.19 and -3.20. Pursuant to N.J.A.C. 10:90-3.3(b), continued WFNJ/TANF financial eligibility exists so long as “the assistance unit’s countable income is less than the applicable benefit level[.]” For an AU of 4, the maximum allowable benefit level is \$448. Ibid.

Based on a review of the record, Petitioner’s AU consists of herself and three children. See Initial Decision at 2. Petitioner’s three children receive, together, a total of \$1,137 in Social Security benefits per month. Ibid.; see also November 11, 2014, letters from Social Security Administration, Retirement, Survivors and Disability Insurance. Therefore, the AU’s countable income exceeds the maximum allowable benefit level for WFNJ/TANF eligibility. Ibid. Thus, I concur with the ALJ’s finding that Petitioner is no longer WFNJ/TANF eligible and as a result, she is no longer eligible for EA benefits because she is not a WFNJ recipient. See N.J.A.C. 10:90-6.2(a) (limiting EA benefits to WFNJ and Supplemental Security Income (“SSI”) recipients).

Accordingly, the Initial Decision is ADOPTED and the Agency’s action AFFIRMED.

Signed Copy on File

at DFD, BARA

JAN 20 2015

Jeanette Page-Hawkins
Director