



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **04425-24 J.R.**

AGENCY DKT. NO. **C207226009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the 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 benefits because her total monthly income was over the maximum allowable benefit level for receipt of said benefits, and terminated her EA benefits because she was no longer a WFNJ, nor a Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On April 5, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held the telephonic plenary hearing, took testimony, and admitted documents. On April 8, 2024, 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

Financial eligibility for WFNJ benefits is determined based upon the assistance unit's countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). 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 four, effective July 1, 2019, the initial maximum allowable income level is \$966. 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 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 four, the maximum allowable benefit level is \$644. See N.J.A.C. 10:90-3.3(b); see also DFD IT 19-21.

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, an independent review of the record reflects that Petitioner received WFNJ/TANF and EA benefits in February, 2024. See Exhibit R-2. Upon learning that Petitioner was receiving monthly disability payments in the amount of \$1,681, during Petitioner's maternity leave, the Agency terminated Petitioner's WFNJ/TANF benefits due to the amount exceeding the maximum income benefits level of \$644 for continued eligibility, effective February 24, 2024. See Exhibit R-1; see also Initial Decision at 2. Additionally, as Petitioner was no longer a WFNJ benefits recipient, nor an SSI benefits recipient, the Agency, by notice dated February 27, 2024, terminated Petitioner EA benefits. Ibid.; see also N.J.A.C. 10:90-6.2(a). Based on the record presented, the ALJ agreed that both of the Agency's terminations were proper and must stand. See Initial Decision at 3-4. I agree, but hereby modify the Initial Decision to include the correct legal authority and analysis, given that Petitioner had already been receiving WFNJ/TANF benefits at the time of the WFNJ/TANF termination. See N.J.A.C. 10:90-3.3(b) and DFD IT 19-21.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determinations, terminating Petitioner's WFNJ/TANF and EA benefits, are AFFIRMED, as outlined above.

Officially approved final version. April 11, 2024

Natasha Johnson
Assistant Commissioner

