



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **09217-23 S.J.**

AGENCY DKT. NO. **C624338007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 WFNJ/TANF benefits contending that her income was over the eligibility limits for said benefits, and denied Petitioner EA benefits because she was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 5, 2023, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 31, 2024, 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 MODIFY the Agency's determination, based on the discussion below.

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), -3.3(a). 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 six, effective July 1, 2019, the maximum allowable income level is \$1,221. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.

Here, the ALJ found, the record substantiates, and Petitioner acknowledged, that at the time Petitioner applied for WFNJ/TANF benefits on May 23, 2023, she received gross monthly income from employment in the amount of \$2,140. See Initial Decision at 2; see also Exhibit R-1 at 4-7, 19-25. Accordingly, I find that Petitioner's monthly income exceeded the initial maximum eligibility income level of \$1,221 allowable for an assistance unit of six, and as such Petitioner was ineligible for WFNJ/TANF benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-3.1(a), (b), -3.2(a), -3.3(a), and DFDIT No. 19-21. Based on Petitioner's income, mistakenly stated by the ALJ and the Agency as being over the allowable benefit level of \$814 for WFNJ/TANF eligibility, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was proper and must stand. See Initial Decision at 2-3; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-3.1(c), -3.3(b). While I agree with the ALJ's ultimate conclusion, I conclude that Petitioner is ineligible for WFNJ/TANF benefits, as her income exceeds the initial maximum eligibility level for receipt of said benefits. See Initial Decision



at 3; see also N.J.A.C. 10:90-3.1(a), (b), -3.2(a), -3.3(a). The Initial Decision and the Agency's determination are modified to reflect the correct regulatory authority in this matter.

Additionally, the ALJ found that as Petitioner was not a WFNJ or SSI benefits recipient, that she was ineligible for EA benefits, and accordingly concluded that the Agency's denial of EA benefits to Petitioner was also proper and must stand. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.2(a). I agree. The ALJ further found that, although Petitioner had excess income and had failed to pay her rent, resulting in eviction proceedings against Petitioner, a six-month EA ineligibility penalty was not applicable in this matter, as she had at all times acted in good faith. See Initial Decision at 3; see also Exhibits P-1, R-1 at 43-47, and N.J.A.C. 10:90-6.1(c)(3). I find this additional conclusion to be irrelevant, given that Petitioner is neither a WFNJ, nor an SSI, benefits recipient, and thus ineligible for EA benefits in the first instance. See N.J.A.C. 10:90-6.2(a). The Initial Decision is also 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 determination is MODIFIED, as outlined above.

Officially approved final version. March 13, 2024

Natasha Johnson
Assistant Commissioner

