



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

TRENTON, NJ 08625-0716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

NATASHA JOHNSON  
*Director*

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 **06710-19 M.A.**

AGENCY DKT. NO. **C683176007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 contending that her monthly child support payments put her income above the allowable WFNJ/TANF benefit eligibility level, and terminated her EA benefits, contending that she was no longer a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On June 25, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 28, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the 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 REVERSE the Agency's determination.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF benefits is found, financial eligibility continues to exist "as long as the total countable income of a WFNJ/TANF benefits assistance unit (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 assistance unit size," in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of three, the maximum allowable benefit level is \$466. Ibid.

In accordance with N.J.A.C. 10:90-3.8(h) governing child support income, the total amount of child support received is considered income for purposes of WFNJ/TANF benefits eligibility. Eligibility for WFNJ/TANF benefits exists "provided that the total amount of child support received for that month is less than the monthly WFNJ grant amount." Once eligibility is established, the WFNJ/TANF benefits recipient retains up to \$100 of their total child support income, and that \$100, or any lesser amount retained, is disregarded as income. Ibid.; see also DFD Instruction 09-1-4.



The record in this matter reflects that Petitioner had a recent fair hearing, under OAL Docket Number HPW 06113-19, wherein the Initial Decision of ALJ Andrew Baron was adopted by this office in a Final Agency Decision ("FAD") issued May 16, 2019. See Exhibit J-2. Referencing that FAD, the ALJ in the present matter found that Petitioner's estimated monthly child support income from February 2019 through May 2019, was \$471 and that after the appropriate \$100 child support disregard was applied, Petitioner's monthly income was within the income limits for WFNJ/TANF benefits eligibility. See Initial Decision at 2-4; see also Exhibit J-2. As noted above, for an assistance unit of three, such as Petitioner's, the maximum allowable benefit level for WFNJ/TANF benefits eligibility is \$466. See N.J.A.C. 10:90-3.3(b). The record further reflects that the parties stipulated to the facts relied upon in the prior Initial Decision and FAD. See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that Petitioner is eligible for WFNJ/TANF benefits, as well as EA benefits, and that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was improper and must be reversed. Id. at 4; see also Exhibit J-1, and N.J.A.C. 10:90-3.1(c), -3.3(b), -3.8(h), -6.2(a). I agree.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is REVERSED.

Officially approved final version.

AUG - 1 2019

Natasha Johnson  
Director

