



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 11294-20 B.F.

AGENCY DKT. NO. C152029003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner's application for WFNJ/TANF benefits because the household's monthly unearned income from Unemployment Insurance Benefits ("UIB") put the WFNJ/TANF assistance unit ("AU") over the maximum benefit eligibility level for receipt of WFNJ/TANF benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 25, 2021, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 10, 2021, 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 determination, based on the discussion below.

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. See 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 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. Income includes monies received unemployment compensation. See N.J.A.C. 10:90-3.9(a).

Financial eligibility for Work First New Jersey ("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 three, such as Petitioner's, effective July 1, 2019, the initial maximum allowable income level for is \$839. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.

Here, the record reflects that Petitioner applied for WFNJ/TANF benefits in October, 2020, on behalf of himself and his two dependent children. See Initial Decision at 2; see also Exhibit R-2. The record further reflects that Petitioner has been receiving weekly UIB, in the gross amount of \$231, since April, 2020. See Initial Decision at 2; see also Exhibit R-5. After utilizing the correct multiplier of 4.333, times Petitioner's weekly gross UIB benefits, results in a monthly income amount of \$1,000.92, which is above the WFNJ/TANF income eligibility amount for an AU of three persons of \$839. See N.J.A.C. 10:90-3.11(c)(1)(i); see also N.J.A.C. 10:90-3.3(a) and DFD IT No. 19-21. Based on the foregoing, the Agency denied Petitioner WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibit R-1. While Petitioner asserted that his monthly income for WFNJ/TANF eligibility should not include monies garnished from his UIB for child support, the ALJ found that WFNJ/TANF income eligibility is based on gross income, before any garnishments, and that there was no regulatory provision to exclude the garnishment amounts from Petitioner's monthly gross income. See Initial Decision at 3-4. Based on the foregoing, the ALJ found that Petitioner did not meet the income eligibility for WFNJ/TANF benefits, and therefore, the Agency's denial of Petitioner's application for WFNJ/TANF benefits was proper and must stand. *Id.* at 4. I agree.

By way of comment, Petitioner is without prejudice to reapply for WFNJ benefits at such time that his UIB ends.

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

MAR 18 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

