



State of New Jersey

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Governor

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 20-035991 J.C.

AGENCY DKT. NO. R1870202 (4C'S OF PASSAIC COUNTY, INC.)

On September 22, 2020, the Bureau of Administrative Review and Appeals ("BARA") received Petitioner's request for an Administrative Review. Petitioner disputes the Respondent Agency's ("Agency") denial of her New Jersey Cares for Kids/Child Care Assistance Program ("NJCK/CCAP") child care subsidy application.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed this matter, and hereby AFFIRM the Agency's determination.

It is well-established that families shall be eligible for a child care subsidy if they are in need of child care services to remain employed, accept full-time employment, or to attend full-time educational and/or work/training programs. See N.J.A.C. 10:15-5.3(a). An individual in receipt of child care services must meet the income eligibility criteria and comply at all times with income eligibility requirements while in receipt of services. See N.J.A.C. 10:15-2.7(a)(8). In order to be eligible for subsidized child care services, an applicant's maximum annual gross income must not exceed 200% of the Federal Poverty Level ("FPL") Guidelines. See N.J.A.C. 10:15-5.2(b), -5.3(a); see also DFDI Instruction ("DFDI") No. 17-04-02.

In the child care program, income is defined as the current gross income earned by all members of the family unit. See Child Care Operations Manual, III, General Provisions, Section (c), "Definitions," p. 10. It includes all earned and unearned income, and includes wages from salaries, overtime, tips, bonuses, commissions, winnings, and the like. See DFDI No. 09-06-06.

On November 12, 2020, BARA sent letters to Petitioner and the Agency requesting additional information necessary to conduct an Administrative Review. Petitioner had previously provided documentation with her September 22, 2020, request for an Administrative Review. On December 3, 2020, Petitioner provided additional documents in response to BARA's request for same. Thereafter, on December 15, 2020, in response to BARA's request, the Agency provided documents. Petitioner's documents provided on September 22, 2020, and December 3, 2020, and the Agency's documents provided on December 15, 2020, comprise the record for this Administrative Review.



The documentation establishes that Petitioner had applied for a child care subsidy on September 3, 2020. Petitioner indicated that she had a family size of two. Paystubs included with Petitioner's application showed that she earned a gross income of \$673.09 weekly. The Agency then calculated Petitioner's annual gross income to be \$35,000.68 (\$673.09 x 52). The child care guidelines permit a family of two to earn, at most, \$34,480 a year in order to be eligible for the subsidy program. See DFDI No. 20-04-04 (Income Eligibility effective March 1, 2020). Based upon its calculation, the Agency denied Petitioner's application, by notice dated September 18, 2020.

Based on the record presented, and for the reasons as outlined above, I find that the Agency's decision to deny Petitioner's application was proper and must be affirmed. Petitioner is without prejudice to reapply for a child care subsidy should her circumstances warrant.

Accordingly, the Agency's determination in this matter is hereby AFFIRMED.

Officially approved final version.

MAR 04 2021

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Natasha Johnson  
Assistant Commissioner

