



State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*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 04030-21 J.S.

AGENCY DKT. NO. S565663012 (MIDDLESEX COUNTY BD. OF SOC. 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 the household's earned income, after application of the appropriate income disregard, exceeded the maximum benefit eligibility level for receipt of WFNJ/TANF benefits, and terminated Petitioner's EA benefits, because Petitioner 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 for a hearing. On May 12, 2021, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 13, 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.

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 ("AU") 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, such as Petitioner's, the maximum allowable benefit level is \$644. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that the WFNJ/TANF benefits AU consists of four persons. See Initial Decision at 2; see also Exhibit R-1 at A. The record further shows that Petitioner began receiving WFNJ/TANF



benefits in May 2019, when she was not employed, and when she again became employed in October 2019, in accordance with applicable regulatory authority, a 100 percent income disregard was applied, and thereafter, a 75 percent income disregard until April 2020, when a 50 percent income disregard was then applied. See Initial Decision at 2; see also Exhibit R-1 at E and N.J.A.C. 10:90-3.8(b). In May 2020, Petitioner lost her employment and received a full WFNJ/TANF grant. See Initial Decision at 2; see also Exhibit R-1 at E. In September 2020, Petitioner then began working again and a 50 percent income disregard was again applied. *Ibid.*; see also N.J.A.C. 10:90-3.8(c). On recertification, in April 2021, Petitioner's case was reviewed, and it was determined that, after budgeting Petitioner's income by averaging two paychecks of \$698.49 and \$710.45, for a total of \$704.47 and multiplying that amount by the appropriate multiplier of 2.167, resulted in a monthly earned income of \$1,526.59. See Exhibit R-1 at B; see also N.J.A.C. 10:90-3.11(c). Applying the 50 percent income disregard to that amount results in \$763.30, which exceeds the maximum allowable for continued receipt of WFNJ/TANF benefits of \$644. See Exhibit R-1 at B; see also N.J.A.C. 10:90-3.8(c). Based on the foregoing, by notice dated March 11, 2021, the Agency terminated Petitioner's WFNJ/TANF benefits effective April 1, 2021. See Exhibit R-1 at D; see also N.J.A.C. 10:90-3.3(b) and DFD IT 19-21. Additionally, as Petitioner was no longer a WFNJ/TANF, nor an SSI, benefits recipient, by notice dated March 13, 2021, the Agency terminated Petitioner's EA benefits, effective April 13, 2021. See Exhibit R-2 at 7; see also N.J.A.C. 10:90-6.2(a). Based on the evidence presented, the ALJ found that Petitioner was ineligible for WFNJ/TANF benefits, due to excess income, and because she was no longer a WFNJ benefits recipient, she was no longer eligible EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-3.3(b), -6.2(a). The ALJ noted that, even after consideration using a subsequent lesser paycheck of \$602.81, and applying the requisite multiplier of 2.167, resulting in a monthly income of \$1306, applying the 50 percent income disregard results in an amount of \$653, which is still above the maximum allowable for continued receipt of WFNJ/TANF benefits. See Initial Decision at 3, 4; see also Exhibit R-1 at G. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was proper and must stand. See Initial Decision at 5. I agree.

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 ADOPTED, and the Agency's determination is AFFIRMED, as outlined above.

JUN - 1 2021

Officially approved final version.

JUN - 1 2021

---

Natasha Johnson  
Assistant Commissioner

