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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 10373-20 V.R.

AGENCY DKT. NO. S564527012 (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 combined monthly unearned income from Unemployment Insurance Benefits ("UIB") and child support payments put the WFNJ/TANF assistance unit ("AU") over 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 January 26, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 16, 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 determinations, 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 as child support payments. See N.J.A.C. 10:90-3.10(b).

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 AU's 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.

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.

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 Petitioner and her three children. See Initial Decision at 2. At the time of Petitioner's redetermination for WFNJ/TANF benefits, the Agency learned that Petitioner was UIB in the weekly amount of \$130, or the monthly amount of \$563 (\$130 x 4.333), and an average of \$203 additional unearned income from child support payments. *Ibid.*; see also N.J.A.C. 10:90-3.11(c)(1)(i). After application of the \$100 disregard amount, the remaining \$103 of child support payment monies was added to the monthly UIB income of \$563, for a total of \$666, which is above the WFNJ/TANF benefit level of \$644, the Agency determined that Petitioner was no longer eligible for WFNJ/TANF benefits and terminated said benefits. See Initial Decision at 2-3; see also Exhibit R-7, N.J.A.C. 10:90-3.3(b), -3.8(h), and DFD IT 19-21. Additionally, because Petitioner was no longer a WFNJ benefits recipient, by notice dated October 30, 2020, the Agency terminated Petitioner's EA benefits, effective December 1, 2020. See Initial Decision at 3; see also Exhibit R-8 and 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 3-4; see also N.J.A.C. 10:90-3.3(b), -6.2(a). 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 4; see also Exhibits R-7, R-8. 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.

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

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

MAR 04 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

