



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 21-037838 Y.C.

AGENCY DKT. NO. R1875500 (URBAN LEAGUE OF HUDSON COUNTY)

On January 7, 2021, 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 DFD 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. Child support payments are considered unearned income for purposes of child care subsidy eligibility. See DFDI No. 12-12-08.

On January 28, 2021, BARA sent letters to Petitioner and the Agency requesting additional information necessary to conduct an Administrative Review. Both parties responded accordingly.

The documentation establishes that Petitioner applied for a child care subsidy on October 16, 2020. On the application, Petitioner indicated that she had a family size of two. From the paystubs provided with the application, Petitioner's gross annual income from employment was calculated to be \$35,412. 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 December 9, 2020.

I have reviewed the record, and based on the documentation 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 action in this matter is hereby AFFIRMED.

MAR 18 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

