



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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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 **01981-22 C.L.**

AGENCY DKT. NO. **C775467007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA"), benefits. The Agency denied Petitioner's application for WFNJ/TANF benefits, as Petitioner's monthly earned income exceeded the initial maximum allowable income level for receipt of such benefits. The Agency denied Petitioner's application for EA benefits because she was not a WFNJ, or Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 17, 2022, the Honorable Andrew M. Baron, Administrative Law Judge, ("ALJ"), held the telephonic plenary hearing, took testimony and admitted documents. Also on March 17, 2022, 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.

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 two, effective July 1, 2019, the maximum allowable income level is \$638. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.

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



Here, the record reflects that Petitioner applied for WFNJ/TANF and EA benefits, for herself and her child on January 19, 2022. See Initial Decision at 2. At the time of application, Petitioner's weekly earned income of \$195.00, or \$844.94 monthly, made her ineligible for WFNJ/TANF benefits because it was over the initial maximum allowable income level of \$638. Ibid.; see also N.J.A.C. 10:90-3.1(b) and DFD IT No. 19-21. As a result, the Agency denied Petitioner WFNJ/TANF benefits, and because she was not a WFNJ, nor an SSI, benefits recipient, Petitioner was ineligible for EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.2(a). Based on the foregoing, the ALJ in this matter concluded that Petitioner did not meet the financial requirements for WFNJ/TANF eligibility at the time of application, and as such, the Agency's denial of WFNJ/TANF benefits was proper and must stand. See Initial Decision at 3-4. I agree. Furthermore, the ALJ found that, as Petitioner was not a WFNJ, or SSI, benefits recipient, she was ineligible for EA benefits. Ibid.; see also N.J.A.C. 10:90-6.2(a). I also agree.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/TANF and EA benefits.

By way of further 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 determinations are AFFIRMED, as outlined above.

Officially approved final version.

March 22, 2022

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Natasha Johnson

Assistant Commissioner

