



State of New Jersey

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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 **07234-26 S.W.**

AGENCY DKT. NO. **C137775015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

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 contending that her monthly child support payments ("CSP") put her income above the allowable WFNJ/TANF benefit payment level. The Agency denied Petitioner's application for EA benefits because she was not a WFNJ, nor Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 13, 2026, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 14, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

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. 10:90-3.2(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 three, effective January 1, 2019, the maximum allowable income level is \$839. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.

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 total countable income of the WFNJ/TANF assistance unit (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned and unearned income) is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of three, the maximum allowable benefit level is \$559. *Ibid.*; see also DFD IT 19-21.

In accordance with N.J.A.C. 10:90-3.9(b), child support payments received are considered income for purposes of determining WFNJ/TANF benefits eligibility. See also DFD Instruction ("DFDI") 23-12-01; see also DFD IT 25-02.



N.J.A.C. 10:90-6.2(a) provides that only Work First New Jersey (“WFNJ”) cash recipients and Supplemental Security Income (“SSI”) recipients are eligible for EA benefits.

Here, the record reflects that Petitioner applied for WFNJ/TANF benefits, and EA benefits, on March 20, 2026, on behalf of her assistance unit (“AU”) which consists of herself and two minor dependent children. See Initial Decision at 2; see also Exhibits R-2, R-3. On April 22, 2026, the Agency denied Petitioner’s application, indicating that Petitioner receives \$148 per week in court ordered child support, which accounts for \$641 per month in court-ordered child support. See Initial Decision at 2; see also Exhibits R-1, R-4. Using this amount, the ALJ found that Petitioner’s gross monthly income totals \$641, consisting entirely of court ordered child support. See Initial Decision at 2; see also N.J.A.C. 10:90-3.9(b).

Based on the foregoing, the ALJ concluded that while Petitioner has unearned income less than the initial maximum allowable income level (\$839), which established initial financial eligibility existed, the Petitioner’s income is greater than the maximum payment level (\$559), making the AU ineligible for WFNJ/TANF benefits. See Initial Decision at 4-5; see also N.J.A.C. 10:90-3.3(b). Accordingly, the ALJ found that Petitioner is ineligible for WFNJ/TANF benefits, and as such, the Agency’s denial of Petitioner’s application for WFNJ/TANF benefits was proper and must stand. See Initial Decision at 4-5; see also N.J.A.C. 10:90-3.3(b), -3.8(h). I agree.

As Petitioner was denied WFNJ/TANF benefits, she was therefore also denied EA benefits, as a threshold requirement for receipt of EA benefits is that the applicant is receiving either WFNJ benefits or SSI benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-6.2. Based upon this requirement, as Petitioner is not a WFNJ, nor an SSI, benefits recipient, the ALJ found that she is ineligible for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.2(a). Accordingly, the ALJ found that the Agency’s denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5. I also agree.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s determination is AFFIRMED, as outlined above.

Officially approved final version. May 28, 2026

Natasha Johnson
Assistant Commissioner

