



**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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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 753-15 A.J.

AGENCY DKT. NO. C272311 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from 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 her income exceeded the allowable eligibility limits, and terminated Petitioner's EA benefits because she was no longer a WFNJ cash recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 16, 2015, the Honorable Sandra A. Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. Documents in support of the testimony were received on March 17, 2015, and the record was closed. On May 7, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

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 ("AU") (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned 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 AU of four, the maximum allowable benefit level is \$488. Ibid.

Here, Petitioner's AU consists of herself and three children. The record shows that Petitioner receives \$1,731 in averaged monthly earned income, and \$988 per month in child support, totaling \$2,719 per month. See Initial Decision at 1, 2. After applying the applicable income disregards, set out in N.J.A.C. 10:90-3.8(b), Petitioner's income exceeds the maximum allowable benefit level of \$488. See N.J.A.C. 10:90-3.3(b). Thus, Petitioner is no longer WFNJ/TANF eligible, and, as a result, she is not eligible for EA benefits because she is not a WFNJ cash recipient. See N.J.A.C. 10:90-6.2(a)(limiting eligibility for EA benefits to WFNJ and Supplemental Security Income benefits recipients).

By way of comment, although the ALJ's analysis and conclusion relied on N.J.A.C. 10:90-3.1(b), which only applies to an AU applying as a new applicant, reapplicant, or the reopening of a case, the end result is the same.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is AFFIRMED.

MAY 29 2015 *Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director