



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 13257-14 A.W.

AGENCY DKT. NO. C042237 (SOMERSET 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 and EA benefits because of an increase in income, she exhausted her lifetime limit for EA benefits, and she violated her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 10, 2014, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 1, 2014, 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.

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. N.J.S.A. 44:10-56. TANF is a component of WFNJ that provides cash assistance to adults with dependent children. 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 ("AU") of which the applicant or recipient is a member, unless exempt, must be considered. N.J.A.C. 10:90-3.1(a), -3.9(a), -3.10(a), -3.19 and -3.20.

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In order to maintain eligibility for receipt of WFNJ/TANF benefits, the recipient must cooperate with and participate in the WFNJ work activity requirements. If a WFNJ/TANF recipient fails to comply with their work activities without good cause, the recipient is subject to a progression of sanctions on their WFNJ/TANF benefits, including a reduction in benefits, a suspension of benefits and ultimately, a termination of benefits. See N.J.A.C. 10:90-4.13; see also N.J.A.C. 10:90-2.2(e)(requiring imposition of sanction pursuant to N.J.A.C. 10:90-4.13 when WFNJ recipient fails to participate in work activities without good cause).

Petitioner is the recipient of monthly WFNJ/TANF benefits. Petitioner's AU for WFNJ/TANF benefits consists of her disabled spouse, and one child. See Initial Decision at 2; see also Exhibit R-5 at 10. Petitioner's December 1, 2013 sanction, for failure to comply with her WFNJ work activity requirements, makes her ineligible to be counted toward the AU for WFNJ/TANF benefit purposes. See Initial Decision at 2; also see Exhibit R-3 at 10-11.

In the present matter, Petitioner's WFNJ/TANF benefits were terminated due to increased income of the AU. See Initial Decision at 2. The record indicates that Petitioner's spouse receives \$634.00 per month under Retirement Survivors Disability Insurance ("RSDI") out of which is deducted \$412.10 per month for child support. Ibid.; also see Exhibit R-5 at 10. Petitioner's spouse's monthly child support payment is not an allowable income exemption. See N.J.A.C. 10:90-3.19(a). Pursuant to N.J.A.C. 10:90-3.3(b), WFNJ/TANF financial eligibility exists so long as "the assistance unit's countable income is less than the applicable benefit level[.]" For an assistance unit of 2, as is the case here, the maximum allowable benefit level is \$322. Ibid. Therefore, Petitioner is no longer eligible for WFNJ/TANF benefits. Since Petitioner is no longer eligible for WFNJ/TANF benefits, she is not eligible for EA benefits. See N.J.A.C. 10:90-6.2(a) (limiting eligibility for EA benefits to WFNJ and Supplemental Security Income recipients).

Here, I agree with the ALJ's finding that Petitioner's AU income exceeds the maximum allowable income level for WFNJ/TANF eligibility and that the Agency properly terminated Petitioner's WFNJ/TANF and EA benefits.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's determination is AFFIRMED.

Signed Copy on File
at DFD, BARA

JAN 20 2015

Jeanette Page-Hawkins
Director