



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*

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 4674-15 K.G.

AGENCY DKT. NO. C221212 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from 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 WFNJ/TANF and EA benefits because her total income exceeded the maximum benefit level for her household, and, based upon the Agency's denial of Petitioner's cash benefits, Petitioner was not eligible for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 8, 2015, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence. On April 8, 2015, the ALJ issued an Initial Decision, which reversed 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 REJECT 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 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 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. Resources include bank accounts, cash, and contributions of support that are available to meet the needs of the individual. N.J.A.C. 10:90-3.10(b). Resources that are exempt from the financial eligibility determination are defined at N.J.A.C. 10:90-3.20.

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, the maximum allowable benefit level is \$322 and for an assistance unit of 3, the maximum allowable benefit level is \$424. Ibid. Here, taking as fact, Petitioner's testimony that she receives \$60 a week in child support for one child and \$102 every two weeks for her second child, Petitioner's income exceeds the maximum applicable benefit level for WFNJ/TANF eligibility, whether she is considered as a household of two or three. See Initial Decision at 3. Further, Petitioner does not qualify for the child support income disregard, set out in N.J.A.C. 10:90-3.8(h). Specifically, the plain language of N.J.A.C. 10:90-3.8(h) makes clear that a child support income disregard is only available to the assistance unit if "the total amount of child support received for that month is less than the monthly WFNJ grant amount." Thus, since Petitioner is not eligible for WFNJ/TANF benefits, she is not eligible for EA benefits because she is not a WFNJ 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, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

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

**APR 23 2015**

*Signed Copy on File*

at DFD, BARA

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Natasha Johnson  
Director