
Essex County Division of Welfare v. "P.A."
Cite as 2 *N.J.A.R.* 23

ESSEX COUNTY DIVISION OF WELFARE,

Petitioner

v.

"P.A.,"

Respondent.

Decided December 7, 1979

Initial Decision

SYNOPSIS

Respondent received assistance under the Aid to Families with Dependent Children (AFDC) program for herself and her two children. Her request for child care payments under the program to provide for the care for her three-year-old child while she attended college was denied by the local county welfare board. The board claimed that respondent had surplus income from an educational grant which should be used for child care payments.

The administrative law judge found that the respondent had a surplus of \$486 after deducting school-related expenses from the educational grant she received each semester. *N.J.A.C.* 10:82-1.8(a)1 provides that payment for child care expenses could be provided only if an educational grant did not provide funds which could be used for child care expenses. The judge concluded that the respondent had failed to demonstrate that the educational grant did not provide money which could be used for child care and accordingly the denial of assistance was affirmed.

ROBBINS, ALJ:

Respondent requests relief from the administrative determination of the Essex County Division of Welfare denying child care payments under the program of Aid to Families With Dependent Children (AFDC), pursuant to *N.J.A.C.* 10:82-1.8. The matter was transmitted to the Office of Administrative Law for determination as a contested case, pursuant to *N.J.S.A.* 52:14F-1 *et seq.*

Respondent requested a hearing on October 16, 1979. After notice to all parties, a hearing was held on November 15, 1979 in the Office of Administrative Law, Newark, New Jersey, before Administrative Law Judge Frances Robbins.

At issue is the administrative determination to deny child care payments incident to respondent's college attendance. *N.J.A.C.* 10:82-1.8 provides that: "Payment for child care shall be provided where necessary to enable a parent to attend school so long as the parent can demonstrate that his/her scholarship(s) or grant(s) does not provide monies which can be utilized for such care, and child care is not provided through any other source."

Respondent receives AFDC for herself and two children, ages three years and eight years. In September 1979 she enrolled as a full-time student at Essex County College. Her request for child care payment assistance while she attends college has been denied.

The agency representative testified that respondent receives educational grants of \$1,888 for the fall and winter semester or \$944 per semester. Her school related expenses, including tuition, books and supplies, transportation and student activities, total \$458. As there is a surplus of \$486 available from the grant which respondent receives, this money must be allocated for child care payment before any additional child care assistance can be considered.

The respondent affirmed the foregoing facts, but stated that she receives the excess funds from her grant in lump sum payments and she is unable to allocate this money for child care expense. She further stated that denial of payment of the requested assistance for child care has interfered with her school attendance.

Based upon the foregoing, I **FIND**:

1. Respondent is receiving AFDC assistance for herself and her two children, ages three years and eight years.
2. Respondent requires child care for her three-year-old child while she attends college.
3. Respondent has been awarded educational grants of \$944 per semester. The school related expenses for the semester are \$458, leaving a surplus of \$486.
4. Regulations require that when there is a surplus of money available from educational grants after deduction of school related expenses, this money must be considered in the determination of child care payments.

Based upon the facts adduced at the hearing in this proceeding and the applicable regulations, I **CONCLUDE** pursuant to *N.J.A.C.* 10:82-1.8 that respondent has not demonstrated that her educational grants do not provide monies which can be utilized for child care.

Therefore, the action of the Essex County Division of Welfare in denying entitlement to child care payments is **AFFIRMED**.

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After reviewing this Initial Decision, the Division of Public Welfare on January 4, 1980 issued the following Final Decision:

The Initial Decision is accepted and the agency action denying respondent's request for child care payments is affirmed.