



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*Lt. Governor*

TRENTON, NJ 08625-0716

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 **10210-23 R.C.**

AGENCY DKT. NO. **C684353007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits due to Petitioner's failure to cooperate with mandatory child support requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A plenary hearing was originally scheduled for November 30, 2023, but was adjourned to December 11, 2023, to allow Petitioner to file an application with the Hudson County Superior Court, Family Division. See Initial Decision at 2. On December 11, 2023, Petitioner and an Agency representative appeared but agreed to adjourn the matter for a telephone status conference on December 20, 2023, which was later then adjourned to December 28, 2023, due to a scheduling conflict. *Ibid.* On December 28, 2023, Petitioner was unavailable due to a court appearance with respect to a child support modification, and the case was then rescheduled for a telephonic plenary hearing on January 10, 2024. *Ibid.* On January 10, 2024, Petitioner and an Agency representative appeared before the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"). Prior to beginning the telephonic plenary hearing, the Agency representative informed the ALJ that the Agency had approved Petitioner's WFNJ/TANF application of July 1, 2023, and had issued retroactive WFNJ/TANF benefits for July 2023, through October 2023. *Id.* at 2-3. The Agency representative further advised the ALJ that a subsequent adverse action notice had been issued by the Agency, on September 27, 2023, "suspending" Petitioner's WFNJ/TANF benefits. *Id.* at 3. While the original request for a fair hearing, stemming from a June 19, 2023, adverse action notice, was now resolved, the ALJ properly indicated that the September 27, 2023, adverse notice was a new adverse action and that it did not amend the prior adverse action. *Ibid.* As such, that later adverse action was not properly before the ALJ for consideration and the ALJ had no jurisdiction to make any determination with respect to that notice and that Petitioner could request a new fair hearing with respect to that notice. *Ibid.* On January 12, 2024, the ALJ issued an Initial Decision, memorializing the foregoing.

Exceptions to the Initial Decision were received from Petitioner on February 21, 2024.

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 in this matter. Furthermore, as Petitioner received retroactive benefits, I find the adverse action which forms the basis of Petitioner's appeal in this matter has been rendered moot, and no contest case remains, and therefore, I hereby dismiss Petitioner's appeal.

With respect to the September 27, 2023, adverse action, I agree with the ALJ that that notice is a separate adverse action, from which Petitioner may seek another fair hearing, if he has not already done so, and that the ALJ properly declined to make any determination on such notice during the course of the present case, due to a lack of proper jurisdiction.



By way of comment, I have reviewed Petitioner's Exceptions, and I find that they do not alter my decision in this matter. Moreover, Petitioner included a document with his Exceptions which was not introduced before the ALJ at the fair hearing. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ. Petitioner is advised, however, that such documentation should be provided to the relevant Agency department.

By way of further comment, Petitioner is also without prejudice to reapply for WFNJ/TANF benefits, if he has not already done so.

Accordingly, as Petitioner was awarded retroactive WFNJ/TANF benefits, I find that Petitioner's appeal has been deemed moot, and as no contested case now exists, Petitioner's appeal is hereby DISMISSED. Furthermore, as outlined above, and in the Initial Decision, Petitioner is without prejudice to seek another fair hearing with respect to the September 27, 2023, adverse action, and/or to reapply for WFNJ/TANF benefits, if he has not already done so.

Officially approved final version. March 12, 2024

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Natasha Johnson  
Assistant Commissioner

