



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 11508-18 A.B.

AGENCY DKT. NO. C255868007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of retroactive Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, the denial of Emergency Assistance ("EA") benefits in the form of back utility payments, and a reduction of her monthly Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner retroactive WFNJ/TANF benefits contending that she had exhausted her lifetime limit of said benefits, and did not qualify for a Family Violence Option Initiative ("FVO") waiver of such time limit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 13, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 15, 2018, the ALJ issued an Initial Decision, affirming the Agency's decision to deny Petitioner retroactive WFNJ/TANF benefits.

Exceptions to the Initial Decision were filed by Petitioner on August 20 and 23, 2018.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision and AFFIRM the Agency's determination.

Here, the ALJ found that Petitioner's issues regarding a denial of EA benefits in the form of back utility payments, and a reduction of SNAP benefits, were resolved by the conclusion of the hearing, and therefore, are now moot. See Initial Decision at 2-3. As such, those issues need not be addressed in this Final Agency Decision ("FAD"). Therefore, the only remaining issue is the Agency's denial of retroactive WFNJ/TANF benefits to Petitioner.

In a prior fair hearing involving Petitioner, OAL Docket Number HPW 11508-18, with an FAD issued June 21, 2018, a previous Agency denial of WFNJ/TANF benefits to Petitioner, due to exhaustion of the lifetime limit for receipt of such benefits, was remanded to the Agency to refer Petitioner for an FVO risk assessment to determine if Petitioner qualified for an FVO waiver of the WFNJ/TANF benefits time limit. See Initial Decision at 4. In accordance with the directive of that FAD, Petitioner was referred for an FVO assessment, and that assessment determined that Petitioner was "low risk" for another domestic violence ("DV") incident. See Initial Decision at 2, 4; see also Exhibit P-5 at 17-18. Petitioner did not dispute the "low risk" determination for the period from February through June 2018, which is the period of time for which she is seeking retroactive WFNJ/TANF benefits. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that Petitioner does not qualify for an FVO waiver of the WFNJ/TANF benefits time limit for the months of February through June 2018, and as such, that she is ineligible for retroactive WFNJ/TANF benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-2.3(a), -2.4(a)(5), -2.6, -20.4. I agree.



However, the record reflects that on July 4, 2018, Petitioner had again been the victim of DV. See Initial Decision at 2, 4; see also Exhibit P-5 at 24, 25. On the basis of that DV incident, which the Agency does not dispute, the ALJ concluded that Petitioner is eligible for a waiver of the WFNJ/TANF benefits time limit as of the July 4, 2018, incident, and is therefore eligible for WFNJ/TANF benefits until such time as the Agency requires another review of her case. See Initial Decision at 4-5; see also N.J.A.C. 10:90-2.6, -20.1 et seq. I also agree.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

**AUG 24 2018**

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Natasha Johnson  
Director

