



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 15848-18 A.D.

AGENCY DKT. NO. C708413007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the 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 benefits contending that she failed to provide required documentation, and denied Petitioner EA benefits because she was not a WFNJ or a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 2, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to submit additional documentation. The record then closed on November 13, 2018.

On November 14, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency denied Petitioner WFNJ/TANF benefits because Petitioner failed to provide the Agency with a copy of her physical Social Security card and failed to provide a valid birth certificate, requested by the Agency in order to verify Petitioner's identity, and consequently denied Petitioner EA benefits because she was not a WFNJ or SSI benefits recipient. See Initial Decision at 3; see also Exhibits R-1, R-2, R-4, R-7, and N.J.A.C. 10:90-2.2(a)(5), -6.2(a). The Agency claimed that it was "required by law" to obtain the aforementioned documentation from Petitioner. See Initial Decision at 3. However, the ALJ found that there was no legal requirement to provide such physical documentation, and that in accordance with N.J.A.C. 10:90-1.6(a)(2)(i), Petitioner had provided sufficient documentation to verify her identity. See Initial Decision at 4-5. Specifically, Petitioner had provided the Agency with her New Jersey driver's license, her marriage certificate, her Medicaid card, a municipal ID card, proof of her daughter's enrollment in the NJ public school system, and her voter registration card, all of which the ALJ found provided the collateral evidence needed to establish Petitioner's identity and benefits eligibility. See Initial Decision at 3-5; see also Exhibits P-12 through P-18, and N.J.A.C. 10:90-1.6(a)(2). Based on the foregoing, the ALJ found Petitioner eligible for WFNJ/TANF benefits, and concluded that the Agency's denial of WFNJ/TANF benefits was improper and must be reversed. *Id.* at 4-5; see also Exhibit R-1. I agree. Moreover, the record reflects that Petitioner is receiving Supplemental Nutrition Assistance Program benefits, which would have required verification of identity for eligibility purposes. See Initial Decision at 2. Additionally, because Petitioner was found eligible for WFNJ/TANF benefits, the ALJ concluded that Petitioner was now eligible for EA benefits as well, and reversed the Agency's denial of said benefits to Petitioner. See Initial Decision at 4-5; see also Exhibit R-4, and N.J.A.C. 10:90-6.2(a). I also agree. Petitioner is advised that EA benefits shall be provided in a form to be determined by the Agency, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

No Exceptions to the Initial Decision were received.



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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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Officially approved final version.

Natasha Johnson
Director

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