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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 16680-18 K.G.

AGENCY DKT. NO. C698301007 (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") benefits. The Agency denied Petitioner WFNJ/TANF benefits, contending that she failed to provide proof of address. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Beginning on December 11, 2018, and continued on January 3, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 4, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that, at the time Petitioner applied for WFNJ/TANF benefits on September 18, 2018, she had provided the Agency with a New Jersey photo driver's license and a copy of her utility bill, evidencing proof of address. See Initial Decision at 2-3; see also Exhibits P-1, R-3, R-4. As such, the ALJ found that Petitioner had provided the Agency with the documentation required to determine her WFNJ/TANF benefits eligibility. See Initial Decision at 5-6; see also N.J.A.C. 10:90-1.6, -2.2(a) (5). Although the Agency testified that it did not have Petitioner's utility bill in its case file, the ALJ found Petitioner credible when she testified that she had indeed provided said utility bill at the time she applied for WFNJ/TANF benefits. See Initial Decision at 2-3. Moreover, the ALJ found that the Agency had not provided proof that it had sent Petitioner a written list of verifications, needed to determine her WFNJ/TANF benefits eligibility, prior to its October 18, 2018, denial of benefits, as required by regulatory authority. *Id.* at 2, 6; see also Exhibit R-2, and N.J.A.C. 10:90-1.6(a), (f). Further, the ALJ found Petitioner credible when she testified that she went into the Agency with proof of address, as she was approved for Supplemental Nutrition Assistance Program and Medicaid benefits on that same day, both of which require similar documentation. See Initial Decision at 2, 6; see also Exhibit R-5, and N.J.A.C. 10:87-2.19. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was improper and ordered the Agency to provide Petitioner with WFNJ/TANF benefits retroactive to September 18, 2018. See Initial Decision at 7; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.

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.

By way of comment, the following is cited to clarify the residency requirement for purposes of WFNJ benefits eligibility. See Initial Decision at 5. "A permanent residence is not an eligibility requirement. If an applicant expresses an intent to reside in the county or municipality, by providing verification of residence or by affirmatively stating his or her



intent to reside in the jurisdiction, for purposes of WFNJ eligibility, the applicant shall be deemed to be a resident of such county and/or municipality." See N.J.A.C. 10:90-2.12(c); see also N.J.A.C. 10:90-2.11.

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

Officially approved final version.

FEB 05 2019

Natasha Johnson

Director

