



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 16692-18 M.D.

AGENCY DKT. NO. C341124007 (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 cooperate with child support requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 14, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 23, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found Petitioner credible when she testified that she does not have any information regarding her son's father, other than the name he gave her; she does not know his address, and does not know how to contact him. See Initial Decision at 2, 4. Based on the unusual circumstances related to the conception of Petitioner's son, the ALJ found that there is no information that Petitioner can provide to the Agency regarding her son's father, and as such, she has complied with the child support requirements to the best of her ability. *Id.* at 2, 4-5. Moreover, the ALJ found, and the record substantiates, that in an interview with the Agency, Petitioner indicated her willingness to cooperate and obtain all information that she could reasonably obtain, and that the Agency could have determined that Petitioner made a good faith effort to provide information, thereby warranting the granting of WFNJ/TANF benefits. *Id.* at 3-5; see Exhibit R-2, and N.J.A.C. 10:110-9.2(a)(1)(ii). Accordingly, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was improper and must be reversed, and ordered the Agency to provide Petitioner with WFNJ/TANF benefits retroactive to the date of her application for said benefits. See Initial Decision at 6; see also Exhibit R-1, and N.J.A.C. 10:90-16.2, -16.3, -16.4. 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.



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

Officially approved final version.

JAN 03 2019

Natasha Johnson

Director

