



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 01097-20 C.S.

AGENCY DKT. NO. C024760021 (WARREN CO. DIV TEMP ASST & SOC. SVCS)

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 requested documentation required to determine her WFNJ/TANF benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 3, 2020, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 10, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

Pursuant to N.J.A.C. 10:90-1.6(f), "At the time of application, the WFNJ worker shall provide the applicant with a written list of the verification needed to determine eligibility[.]" Additionally, In order to be found eligible for WFNJ benefits, the applicant must provide all necessary documentation requested by the county welfare agency. N.J.A.C. 10:90-2.2(a)(5). The Agency has the responsibility, however, to secure verification from secondary sources, as necessary, in order to determine eligibility. N.J.A.C. 10:90-1.6(a).

Here, the record reflects that on October 29, 2019, Petitioner applied for WFNJ/TANF benefits. See Initial Decision at 2; see also Exhibit R-1 at 2-19. In order to determine Petitioner's eligibility for WFNJ/TANF benefits, the Agency had required Petitioner to provide it with, among other things, documentation verifying that her three children reside in her Warren County household. See Initial Decision at 2; see also Exhibit R-1 at 20. The Agency contended that Petitioner had failed to provide it with verification of her three children's residency, and consequently, denied WFNJ/TANF benefits to Petitioner on November 25, 2019. See Initial Decision at 3; see also Exhibit R-1 at 34-38, and N.J.A.C. 10:90-2.2(a)(5). However, the ALJ found Petitioner credible when she testified that she had provided that Agency with a full copy of her lease, which indicated on page three, paragraph nine, that she and three minors



resided at Warren County the property. See Initial Decision at 3; see also Exhibit P-1. Further, the ALJ also found Petitioner credible when she testified that she had contacted her older child's local high school, and the church that she had previously attended, in an attempt to get the residency verifications for her children that the Agency had required, but both institutions had refused to cooperate with her requests. See Initial Decision at 3-4. Based on Petitioner's testimony and the evidence presented, the ALJ found that Petitioner had provided sufficient information to the Agency regarding the residency of her three children, in the form of her lease, prior to the Agency's denial of WFNJ/TANF benefits to Petitioner. Id. at 4; see also Exhibit P-1. Moreover, the ALJ found that the Agency had not made any effort to contact the various agencies Petitioner had been involved with, and that if it had, it may have been able to acquire the residency verifications it required to determine Petitioner's WFNJ/TANF eligibility. See Initial Decision at 3-4; see also N.J.A.C. 10:90-1.6(a). Accordingly, 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 October 29, 2019, the date of her WFNJ/TANF benefits application. See Initial Decision at 4-5; see also Exhibit R-1 at 2-19. I agree.

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

Officially approved final version.

MAR 13 2020

Natasha Johnson
Assistant Commissioner

