



State of New Jersey

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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 15918-19 C.V.

AGENCY DKT. NO. C140177020 (UNION COUNTY DIVISION OF 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 come into compliance with her prior sanction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 2, 2019, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 4, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found Petitioner credible when she testified that she had never received notice from the Agency that her application for WFNJ/TANF benefits was denied due to a prior sanction, but rather, that she had only been advised that she needed to provide the Agency with a child support form in order to be determined eligible for WFNJ/TANF benefits, which Petitioner had provided. See Initial Decision at 2-3. Of note, the Agency failed to submit into evidence an adverse action notice denying Petitioner's application for WFNJ/TANF benefits due to a sanction. *Id.* at 2; see also Exhibit R-1. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner, on the basis that she failed to comply with a prior sanction, was improper and must be reversed. See Initial Decision at 3. Further, the ALJ ordered the Agency to process Petitioner's September 26, 2019, WFNJ/TANF benefits application, and to assist Petitioner with lifting her prior sanction. *Ibid.* 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 Agency is advised to process Petitioner's application for WFNJ/TANF benefits on an expedited basis, keeping in mind that the record reflects that Petitioner had been exempted from the required WFNJ work activity at the time of her WFNJ/TANF benefits application due to her pregnancy, and that she recently gave birth on November 24, 2019. See Initial Decision at 2-3; see also N.J.A.C. 10:90-4.10(a)(6), (7), -4.13(a).



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

Officially approved final version.

JAN - 7 2019

Natasha Johnson
Assistant Commissioner

