



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 06312-21 T.J.

AGENCY DKT. NO. C712089007 (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 had failed to cooperate with child support requirements, and terminated Petitioner EA benefits because she was not a WFNJ, or Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 2, 2021, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 3, 2021, 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 MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-1.3(a) states, "All applicants for WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made." In relevant part, immediate need "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a)(1); see also DFD Instruction ("DFDI") 19-04-01. Of note, the termination of immediate need assistance is not appealable as such assistance is not considered EA benefits. See DFDI 08-11-01 at 4.

Here, the ALJ found Petitioner credible when she testified that she does not have any information regarding her child's three possible fathers. See Initial Decision at 3, 5-6; see also Exhibit P-1. Specifically, Petitioner testified that all three men were strangers, that she does not know their addresses, and that she does not know how to contact them. See Initial Decision at 3. The record also reflects that Petitioner attempted to locate the three possible fathers by going back to the places



where they had met, but was unsuccessful. Ibid. Based on the foregoing, the ALJ found that there is no information that Petitioner can provide to the Agency regarding her child's father, and as such, she has complied with the child support requirements to the best of her ability. Id. at 3, 5-6. Moreover, the ALJ found that Petitioner had exhibited 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 the required information, thereby warranting the granting of WFNJ/TANF benefits. Ibid.; see also Exhibits R-2, R-5. Accordingly, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was improper and must be reversed. See Initial Decision at 4-6; see also Exhibit R-1, and N.J.A.C. 10:90-16.1, -16.2, -16.3, -16.4. I agree.

Further, the record reflects that, at the time Petitioner applied for WFNJ/TANF benefits she was provided with immediate need housing assistance by the Agency, not EA benefits. See Initial Decision at 2; see also Exhibit R-3 and N.J.A.C. 10:90-1.3(a). Therefore, when Petitioner's application for WFNJ/TANF benefits was denied, her immediate need assistance ended. See N.J.A.C. 10:90-1.3(a). Based on the foregoing, I find that there has been no termination of EA benefits, as the Agency had determined, and the ALJ had concluded, but rather, a denial of EA benefits. See Initial Decision at 3, 6; see also Exhibit R-1. As Petitioner has now been found eligible for WFNJ/TANF benefits, Petitioner is now also eligible for EA benefits, and the Agency determination is reversed on that basis. See N.J.A.C. 10:90-6.2(a). The Initial Decision, as well as the Agency's determination, are modified to reflect these findings. See Initial Decision at 3, 6; see also Exhibit R-1.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is MODIFIED, as outlined above.

AUG 10 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

