



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 **10168-22 J.K.**

AGENCY DKT. NO. **C147117009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that she had exhausted her 60-month lifetime limit of WFNJ/TANF benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 11, 2023, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 12, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ concluded that the Agency had failed to adequately and timely notice Petitioner of its adverse action. See Initial Decision at 4. Specifically, the ALJ found that Petitioner had not been adequately noticed because said notice did not contain Petitioner's address; the specific regulations supporting the intended action; an explanation of the individual's right to request a fair hearing; an explanation of the circumstances under which assistance is continued if a hearing is requested; an explanation of the requirement to repay the continued assistance received during the period pending the hearing, if the action is upheld; or the name, address and phone number of the legal services office. *Id.* at 2; see also N.J.A.C. 10:90-9.1(a). Moreover, Petitioner testified that she had never received the Agency's termination notice. *Ibid.* Additionally, the ALJ found that the Agency's notice was untimely because it had not been mailed to Petitioner at least ten calendar days prior to the effective date of its termination of her WFNJ/TANF benefits. *Id.* at 2-3; see also N.J.A.C. 10:90-9.1(b). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was improper and must be reversed. See Initial Decision at 4. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 issue proper notice to Petitioner in accordance with N.J.A.C. 10:90-9.1(a), (b).



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

Officially approved final version.

March 01, 2023

Natasha Johnson
Assistant Commissioner

