



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 **02044-23 M.M.**

AGENCY DKT. NO. **C102108003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

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 failed to provide required child support documentation, and denied Petitioner EA benefits because she was neither a WFNJ, nor a Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 13, 2023, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 14, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency denied Petitioner WFNJ/TANF benefits because she failed to provide a copy of her marriage license, and consequently, was denied EA benefits because she was not a WFNJ or SSI benefits recipient. See Initial Decision at 2-3; see also Exhibits R-C, R-G at 90, R-J, and N.J.A.C. 10:90-2.2(a), -16.2(a), and -6.2(a)(limiting eligibility for EA benefits to WFNJ and SSI benefits recipients). Based on Petitioner's credible testimony, the ALJ found that Petitioner had made a good faith effort to obtain her marriage license, but was unable to do so because she could not afford to pay the fee required to obtain said license, and was unable to obtain a fee waiver. See Initial Decision at 3-5; see also N.J.A.C. 10:90-16.4(a), (b), (c). The ALJ also found that there was nothing in the record to indicate that the Agency had attempted to assist Petitioner in obtaining the required documentation. See Initial Decision at 7, 9; see also N.J.A.C. 10:90-16.4(c). Of note, the record is also devoid of any indication that the Agency allowed Petitioner to complete an affidavit attesting to her good faith effort, thereby affirming that she had met the child support cooperation protocol. See N.J.A.C. 10:90-16.4(c)(6). Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was improper, and must be reversed. See Initial Decision at 9; see also Exhibit R-C. I agree. Additionally, as it had been concluded that the Agency's denial of WFNJ/TANF benefits was improper, the ALJ also concluded that the Agency's denial of EA benefits to Petitioner was also improper and must be reversed. See Initial Decision at 9; see also Exhibit R-J, and N.J.A.C. 10:90-6.2(a). I also agree.

Exceptions to the Initial Decision were filed by the Agency on March 14, 2023.

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, I have reviewed the Agency's Exceptions, and find that the arguments made therein do not alter my decision in this matter.



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

Officially approved final version. March 23, 2023

Natasha Johnson
Assistant Commissioner

