



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 **10472-22 N.C.**

AGENCY DKT. NO. **C331477007 (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") benefits. The Agency denied Petitioner WFNJ/TANF benefits, contending that she failed to cooperate with child support requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 10, 2023, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents, however, the hearing was then adjourned to allow the parties the opportunity to resolve the matter. The hearing reconvened on January 24, 2023, and the record closed without the need to take additional testimony.

On January 27, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found Petitioner credible when she testified that she does not know the fathers of her three children very well, and that she does not have any information regarding those fathers other than their nicknames, which she provided to the Agency. See Initial Decision at 2. The record also reflects that, based on that limited information provided, the Agency was able to locate one of the fathers and is now collecting child support from him. *Ibid.* Further, the ALJ found that Petitioner could only give the best information that she had, that she continues to cooperate with the Agency in this regard, and as such, that she has cooperated in good faith with the child support requirements, thereby warranting the granting of WFNJ/TANF benefits. *Id.* at 2-3; see also N.J.A.C. 10:90-2.2(a)(1), -16.2, -16.3, -16.4. Accordingly, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was improper and must be reversed, and ordered the Agency to provide Petitioner with WFNJ/TANF benefits retroactive to the date of her application for said benefits, June 30, 2022. See Initial Decision at 3; see also Exhibit R-1 at 12-19 and 28. 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 record indicates that Petitioner is behind in her utility payments and is facing a shut-off. See Initial Decision at 2. Petitioner is advised that she may apply for Emergency Assistance ("EA") benefits for assistance with her past due utility payments. See N.J.A.C. 10:90-6.3(a)(5). Should Petitioner apply for EA benefits, the Agency is directed to expedite her application in order to avoid shut-off.

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



Officially approved final version. February 28, 2023

Natasha Johnson
Assistant Commissioner

