



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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TRENTON, NJ 08625-0716

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 **09327-23 N.R.**

AGENCY DKT. NO. **C162436003 (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 timely complete the application process, by failing to apply for Unemployment Insurance Benefits ("UIB"), 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 September 21, 2023, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On September 22, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter back to the Agency. Here, based on an independent review of the record, I find that Petitioner applied for WFNJ/TANF and EA benefits on July 6, 2023, and that the Agency denied Petitioner WFNJ/TANF benefits by notice dated August 24, 2023, effective July 6, 2023, on the basis that she failed to apply for UIB, and consequently, on September 13, 2023, denied Petitioner EA benefits, effective July 20, 2023, as she was neither a WFNJ, nor an SSI, benefits recipient. See Initial Decision at 2-4, see also Exhibits R-1, R-2 at 24, R-3 at 27-31. However, based on the credible testimony of Petitioner, and the documentary evidence provided, the ALJ found that Petitioner had diligently attempted to apply for UIB on several occasions, but due to issues encountered on the UIB website, was unable to do so. See Initial Decision at 3-5, 10; see also Exhibits P-1, P-2, R-2 at 19-20, 25-26. The ALJ also found that Petitioner had advised the Agency of her difficulty applying for UIB, yet the Agency had failed to assist her with such application process. See Initial Decision at 5-6. Moreover, based on Petitioner's work record, of which the Agency had knowledge, the ALJ found that Petitioner was ineligible for UIB, and therefore, in accordance with regulatory authority, the Agency should not have required Petitioner to apply for UIB. See Initial Decision at 9-10; see also Exhibit R-2 at 21-23, and N.J.A.C. 10:90-1.12, -2.2(a)(3). Based on the foregoing, the ALJ found that Petitioner had good cause for failing to provide the Agency with proof of having applied for UIB. See Initial Decision at 10. Accordingly, the ALJ concluded that the Agency's denial of WFNJ/TANF and EA benefits to Petitioner was improper, reversed the Agency's determinations, and remanded the matter to the Agency to reevaluate Petitioner's eligibility for WFNJ/TANF and EA benefits. See Initial Decision at 10-11; see also Exhibit R-3, and N.J.A.C. 10:90-2.2, -6.2(a). On the foregoing basis alone, 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 directed to reevaluate Petitioner July 6, 2023, application for WFNJ/TANF benefits, and to reevaluate Petitioner's eligibility for EA benefits, on an expedited basis. Further, the Agency is to provide Petitioner with immediate need pending the reevaluation of Petitioner's WFNJ/TANF application. See Exhibit R-1 at 5-13; see also N.J.A.C. 10:90-1.3(a)(1), (2). Petitioner is advised that if she is again denied WFNJ/TANF and EA benefits following the reevaluations, she may request another fair hearing on such denials.

By way of further comment, Petitioner is advised that she may apply for childcare services. See Initial Decision at 4-5; see also N.J.A.C. 10:90-5.2.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version. October 5, 2023

Natasha Johnson
Assistant Commissioner

