



State of New Jersey

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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 **09357-23 S.K.**

AGENCY DKT. NO. **C067808003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the denial of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF, and denied EA benefits to Petitioner, contending that she failed to provide required documentation needed to determine WFNJ/TANF and EA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An emergent telephonic hearing was initially scheduled for September 21, 2023, but was rescheduled for September 22, 2023, in order to allow Petitioner to obtain the fair hearing packet, which she claimed she had not received. On that rescheduled date, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents, but due to the lateness of the hour, and at the request of the parties, the matter was continued to September 26, 2023. On that rescheduled date, Petitioner failed to appear, and her failure to appear was placed on the record. However, the ALJ found that sufficient facts were adduced during the Agency's case-in-chief, and in the absence of an excusable reason for Petitioner's failure to appear, the record closed.

On September 27, 2023, the ALJ issued an Initial Decision, reversing the Agency's determinations and remanding the matters back to the Agency. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, and providing a detailed and well thought out analysis, applying law to fact. See Initial Decision at 2-16. Specifically, regarding the termination of Petitioner's WFNJ/TANF benefits, the ALJ found that Petitioner had sufficiently provided the Agency with the documentation required, and that the one verification document that Petitioner was unable to provide could have been easily obtained with assistance from the Agency, by phone call, or by request for a verification letter from Petitioner's daughter's employer, and on that basis, the ALJ reversed the Agency's termination of Petitioner's WFNJ/TANF benefits. See Initial Decision at 4-10, 16; see also Exhibits R-7 through R-11, and N.J.A.C. 10:90-1.6(a), -2.2(a)(5). However, the ALJ also concluded that it was unclear from the testimony and documentation provided, regarding Petitioner's daughter's residency in the household during the time in question, and whether or not Petitioner was eligible for continued WFNJ/TANF benefits. See Initial Decision at 9-10; see also N.J.A.C. 10:90-2.7(a)



(1), -2.7(a)(3)(i). Accordingly, the ALJ remanded the matter to the Agency to reevaluate Petitioner's eligibility for said benefits. See Initial Decision at 16. I agree.

With respect to the denial of EA benefits to Petitioner, who is a Supplemental Security Income ("SSI") benefits recipient, the ALJ found that due to Petitioner's homelessness, and mental health issues, of which the Agency was aware, Petitioner lacked the capacity to provide the documents required without the assistance of the Agency, which assistance was not offered, nor provided, as required by applicable regulatory authority. See Initial Decision at 3-6, 11-12, 15-16; see also Exhibit R-2, and N.J.A.C.10:90-6.1(c)(1)(iii). Moreover, the ALJ found that the Agency's requirement that Petitioner participate in, and provide proof of mental health treatment, was not a requirement for EA benefits eligibility, but rather would be an EA service plan ("SP") requirement for continued EA benefits eligibility. See Initial Decision at 8, 12-16; see also N.J.A.C. 10:90-6.6(a). Accordingly, the ALJ concluded that Petitioner was eligible for EA benefits contingent upon Petitioner executing an EA service plan ("SP") wherein, among other things, her mental health issues are addressed. See Initial Decision at 16. Based on the foregoing, the ALJ also reversed the Agency's denial of EA benefits to Petitioner, and remanded the matter back to the Agency to have such SP executed. Ibid.; see also Exhibit R-3, and N.J.A.C. 10:90-6.6(a). I also agree.

Exceptions to the Initial Decision were filed by the Agency on September 28, 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, should Petitioner again be denied WFNJ/TANF benefits for the time period in question, she is without prejudice to request another fair hearing on that issue alone.

By way of further comment, based on the ALJ's conclusion regarding the denial of EA benefits to Petitioner, I find that if Petitioner fails to execute the required SP, then the Agency's July 26, 2023, denial of EA benefits to Petitioner shall stand as issued. See Initial Decision at 16; see also Exhibit R-3, and N.J.A.C. 10:90-6.6(a).

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

Officially approved final version. October 12, 2023

Natasha Johnson
Assistant Commissioner

