



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **03900-24 R.C.**

AGENCY DKT. NO. **C684353007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's sanctioning/suspension of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency suspended Petitioner's WFNJ/TANF benefits, contending that he failed to cooperate with child support protocol. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Beginning on June 11, 2024, and continued on June 17, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 9, 2024, the ALJ issued an Initial Decision, reversing and modifying the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-8; see also N.J.A.C.10:90-2.2(a)(1), and Division of Family Development Instruction ("DFDI") Nos. 09-6-3, 99-5-7. Specifically, the ALJ found, and the record substantiates, that Petitioner had complied with the required child support protocol beginning in October 2023, and continuing through February 2024, and that it was due to Agency miscommunication, and missteps, that resulted in any alleged failure of Petitioner to cooperate with said protocol. See Initial Decision at 2-7; see also Exhibits P-1 at 1-3, 7-21, 23-38, and R-1 at 1-7, 13-20, 27-34. Although the Agency relied upon N.J.A.C. 10:90-2.7(a)(1) as one of its bases for finding Petitioner ineligible for WFNJTANF benefits, I find that this regulatory authority is not controlling in this matter, as the record indicates that both minor children reside with Petitioner. See Initial Decision at 2, 5; see also Exhibit R-1 at 1, 14-20. Based on the testimony and documentation provided, the ALJ concluded that the Agency's sanctioning/suspension of Petitioner's WFNJ/TANF benefits was improper and ordered the Agency to provide Petitioner with WFNJ/TANF benefits retroactive to November 23, 2023. See Initial Decision at 7-8; see also Exhibit R-1 at 10-12. I agree.

Exceptions to the Initial Decision were filed by the Agency on July 16, 2024.

As Assistant Commissioner, DFD, 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, for clarification purposes, I find that the initial maximum allowable income level for an assistance unit ("AU") of two is \$638, not \$700, as stated by the ALJ. However, this clarification does not affect the ALJ's conclusion in this matter. See Initial Decision at 5; see also N.J.A.C. 10:90-3.3(a), and DFD Informational Transmittal ("IT") No. 19-21 at 3. Of note, a child receiving Supplemental Security Income benefits, is not included in the AU for purposes of WFNJ/TANF benefits. See N.J.A.C. 10:90-2.8(a)(2).



By way of further comment, upon receipt of child support by Petitioner, his prospective eligibility for WFNJ/TANF benefits is contingent upon the amount of his monthly child support income falling within the maximum benefit payment level of \$425 for an A.U. of two, taking into account the applicable child support disregard. See N.J.A.C. 10:90-3.3(b), -3.8(h), and DFD IT No. 19-21 at 3.

Also 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. September 05, 2024

Natasha Johnson
Assistant Commissioner

