



State of New Jersey

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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 17030-17 C.G.

AGENCY DKT. NO. C232380020 (UNION COUNTY DIVISION OF SOC. SVCS.)

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 apply for Unemployment Insurance Benefits ("UIB"), and failed to follow-up on the status of her pending UIB. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 29, 2017, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 29, 2017, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found, the Agency acknowledged, and the record substantiates, that Petitioner had applied for UIB on September 4, 2017. See Initial Decision at 3; see also Exhibits R-2 and R-3. However, on December 14, 2017, the Agency denied Petitioner WFNJ/TANF benefits contending that she failed to apply for UIB. See Initial Decision at 3; see also N.J.A.C. 10:90-2.2(a)(3). The Agency acknowledged that the aforementioned denial was in error, but testified that it still required the status of Petitioner's UIB claim, as it is highly unusual that she had not yet received an approval/denial letter concerning that claim. See Initial Decision at 3-4; see also Exhibit R-2. The ALJ found that Petitioner had diligently attempted to contact the UIB office regarding the status of her claim, with one attempt having been conducted in the presence of the Agency, but to no avail. See Initial Decision at 3-4. Moreover, the record indicates that Petitioner's UIB claim was still pending as of December 28, 2017. See Exhibits P-3 and R-1. Based on the foregoing, the ALJ concluded that Petitioner became eligible for WFNJ/TANF benefits in September 2017, and that the Agency's December 14, 2017, denial of WFNJ/TANF benefits to Petitioner was improper and must be reversed. See Initial Decision at 4-5; see also N.J.A.C. 10:90-1.6(a), -1.12, -2.2(a)(3), (5). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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 ALJ found that Petitioner had provided the Agency with proof that she was in full compliance with its child support requirements, and as such, the Agency's September 8, 2017, denial of WFNJ/TANF benefits to Petitioner, for failure to cooperate with said requirements, was also improper. See Initial Decision at 2; see also Exhibits P-1, P-2; see also N.J.A.C. 10:90-2.2(a)(1). I also agree.



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By way of further comment, because I concur with the ALJ's conclusion in this matter, I find that the Agency should provide Petitioner with WFNJ/TANF benefits retroactive to September 2017. See Initial Decision at 5.

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

Officially approved final version.

JAN 23 2018

Natasha Johnson
Director

