



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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*Director*

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 12804-18 R.Q.

AGENCY DKT. NO. C061256018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits contending that Petitioner did not have an eligible child in the household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for September 25, 2018, but was adjourned. On October 2, 2018, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open for one week for post hearing submissions, and then closed on October 10, 2018.

On October 22, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, pursuant to a Court Order, Petitioner and her mother share joint legal and residential custody of Petitioner's daughter. See Initial Decision at 3; see also Exhibit R-1 at 12-13. Petitioner's mother does not receive WFNJ/TANF benefits. See Initial Decision at 3. The ALJ found that, pursuant to the undisputed evidence, Petitioner has care and control of her child at least half of the time, inclusive of weekends, holidays, vacations, and the summer months, and that such time was due to be increased by modified custody order in September 2018. See Initial Decision at 2-3; see also Exhibit R-1 at 12-13. Based on the testimony and evidence presented, the ALJ concluded that, in accordance with N.J.A.C. 10:90-2.16(a), Petitioner's child is not absent from her care and control for more than 30 consecutive days, and as such, Petitioner is eligible for WFNJ/TANF benefits. See Initial Decision at 2-5; see also Exhibit R-1 at 14, 48. Accordingly, the ALJ concluded that, Petitioner has an eligible child in her household and the Agency's termination of Petitioner's WFNJ/TANF benefits was improper and must be reversed. See Initial Decision at 5-6; see also Exhibit R-1 at 15-19. I agree.

Although not a transmitted issue in this matter, at the time of the hearing Petitioner also contested a reduction of her Supplemental Nutrition Assistance Program ("SNAP") benefits. See Initial Decision at 1. The record reflects that Petitioner's SNAP benefits were reduced based on the Agency's determination that Petitioner's household did not include an eligible child. See Initial Decision at 1; see also Exhibit R-1 at 17. Of note, Petitioner's mother is not receiving SNAP benefits on behalf of her grandchild. See Initial Decision at 2. Based on the ALJ's conclusion discussed above, and in accordance with N.J.A.C. 10:87-2.2(d) (stating that, in cases of joint custody, either parent may claim the child as a member of their SNAP household, as long as the child resides in the home for a portion of the month), the ALJ concluded that the Agency's reduction of Petitioner's SNAP benefits was also improper and must be reversed. See Initial Decision at 3-4. I also agree.

Exceptions to the Initial Decision were filed by the Agency on October 29, 2018.



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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, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, as the record indicates that Petitioner may have an open case with the Division of Child Protection and Permanency ("DCPP"), a copy of the Initial and Final Decisions shall be forwarded to DCPP.

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

Officially approved final version.

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Natasha Johnson  
Director

