



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **06461-22 A.S.**

AGENCY DKT. NO. **C448807007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of her application for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner WFNJ/TANF benefits, contending that she had failed to provide required child support information. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A hearing was initially scheduled for August 2, 2022, on an emergent basis, but the Agency failed to call into the telephonic hearing. On August 3, 2022, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Also on August 3, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 hereby ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination, based on the discussion below.

The procedural history of this case must first be reviewed. The ALJ in the present matter found, and the record substantiates, that on June 29, 2022, Petitioner had a prior full due process administrative plenary hearing before William J. Courtney, ALJ (hereinafter "Judge Courtney"), under OAL Docket No. HPW 02493-22, who reversed the Agency's denial of WFNJ/TANF benefits. See Initial Decision at 4; see also Exhibit R-3. In that prior matter, the Agency had denied WFNJ/TANF benefits to Petitioner on the basis that she had failed to provide required child support information. *Ibid.* Judge Courtney concluded that Petitioner had cooperated with the WFNJ/TANF child support requirement, reversed the Agency's denial, and remanded the matter to the Agency in order to allow the Agency the opportunity to reevaluate Petitioner's application regarding other WFNJ/TANF benefits eligibility criteria, not to again reevaluate and deny her application on the already decided child support issue. *Ibid.* More specifically, Judge Courtney found that Petitioner had provided what information she had at the time of her scheduled interview with the Agency representative, who worked in the child support unit. See



Exhibit R-3 at 3. Furthermore, this office upheld Judge Courtney's Initial Decision in the Final Agency Decision ("FAD") for the prior matter, issued on July 19, 2022. See Initial Decision at 4; see also Exhibit R-4. Nevertheless, on remand, the Agency again denied WFNJ/TANF benefits to Petitioner on the same identical basis, necessitating the present appeal. See Initial Decision at 4-5; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-1.6(a), -16.1 et seq.

In the present case, the ALJ found Petitioner credible when she testified that, at the time of the initial child support interview, she had provided the Agency with what information she had regarding the father of her daughter, including his name and date of birth, and that she does not know where the father of her child currently resides. See Initial Decision at 3-6. Moreover, the record indicates that Petitioner has continued to try and obtain further information regarding the whereabouts of the father, but to no avail. Id. at 4-5. Furthermore, it should be noted that the father of Petitioner's daughter pays child support in this State for two other children, who are not Petitioner's, and as such, the Agency may be able to obtain the father's current address through the child support office. See Exhibit R-3 at 3. The ALJ found that Petitioner had most certainly provided that same information during the June 29, 2022, fair hearing. See Initial Decision at 3. Although the Agency claimed that Petitioner had not established good cause for her failure to cooperate, in agreement with Judge Courtney's findings, the ALJ in the present matter found that Petitioner had indeed cooperated. Id. at 5; see also Exhibit R-3. Accordingly, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits was improper and must be reversed, and further ordering the Agency to provide Petitioner with WFNJ/TANF benefits retroactive to December 7, 2021, the date of her WFNJ/TANF benefits application. See Initial Decision at 6; see also Exhibit R-1. Based on an independent review of the record, as it appears that there are no other WFNJ/TANF benefits eligibility criteria which have not been met by Petitioner, I concur with the ALJ's reversal of the Agency's determination and order that the Agency provide Petitioner with said benefits retroactive to December 7, 2021. See Initial Decision at 6.

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

Officially approved final version.

August 9, 2022

Natasha Johnson
Assistant Commissioner

