



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 **10418-21 D.R.**

AGENCY DKT. NO. **C030227014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

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 cooperate with child support requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 27, 2022, but at the request of Petitioner, a telephone conference was held with the parties instead in order to address a discovery issue. On February 10, 2022, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 16, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner, as well as Petitioner's Power of Attorney ("POA"), credible when they testified that neither had any information regarding Petitioner's son's father. See Initial Decision at 3-4. Based on the unusual circumstances related to the conception of Petitioner's son, and taking into consideration Petitioner's intellectual disability, the ALJ found that there is no information that Petitioner can provide to the Agency regarding her son's father, and as such, she has complied with the child support requirements to the best of her ability. *Id.* at 2-4, 6; see also Exhibits R-6, R-7, and N.J.A.C. 10:90-16.2. Further, the ALJ found that Petitioner had provided, in good faith, all the information that she could reasonably obtain, and as such, had cooperated with the child support requirements. See Initial Decision at 4-6; see also Exhibits P-9, R-6, R-7, and N.J.A.C. 10:90-16.3(b), -16.4(a), (b), (c). Moreover, based on the facts surrounding the conception of Petitioner's son, the ALJ found that Petitioner has established a "good cause" exemption to the child support requirement due to her "unusual circumstances," and that she shall be permitted to sign a child support affidavit attesting to the good cause claim, as well as her good faith effort. See Initial Decision at 6; see also N.J.A.C. 10:90-16.5(a)(5), (b). Of note, the ALJ found no evidence that the Agency had assisted Petitioner or provided her with an affidavit as allowed under the regulations, but rather, simply denied her WFNJ/TANF benefits for failure to cooperate with the child support requirement. See Initial Decision at 6; see also N.J.A.C. 10:90-16.5(b). Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was improper and must be reversed. See Initial Decision at 7; see also Exhibit R-4. I agree.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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



Officially approved final version.

March 23, 2022

Natasha Johnson

Assistant Commissioner

