



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **01243-22 M.G.**

AGENCY DKT. NO. **C658516007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), Emergency Assistance ("EA"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 18, 2022, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 23, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, it appears from the record that the Agency denied EA benefits to Petitioner due to excess income. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(a). However, without reaching the merits of the issue, the ALJ found that the Agency had failed to properly notice Petitioner of such denial of EA benefits, as required in accordance with N.J.A.C. 10:90-9.1(a), (b), and as such, concluded that Petitioner had not received due process. See Initial Decision at 3. On that procedural basis, the ALJ reversed the Agency's denial of EA benefits to Petitioner. *Id.* at 3-4. I agree.

I note that the transmittal in this matter also indicates that Petitioner appealed the Agency's delay in processing and/or denial of her WFNJ/TANF and SNAP benefits application, which issues were not addressed by the ALJ in the Initial Decision. However, it appears from the record that Petitioner may be receiving WFNJ/TANF, EA, and SNAP, benefits. See Exhibit R-2 at 5-6. Nevertheless, upon proper notice to Petitioner of any WFNJ, EA, and/or SNAP benefits adverse action taken by the Agency, Petitioner may request another fair hearing on any such substantive denial of said benefits. See N.J.A.C.10:90-9.1(a), (b).

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.



By way of comment, the Agency is advised to provide Petitioner with immediate need housing pending final disposition of the substantive issues raised in this matter. See N.J.A.C. 10:90-1.3(a)(2).

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

Officially approved final version.

February 24, 2022

Natasha Johnson
Assistant Commissioner

