



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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 **06514-22 M.M.**

AGENCY DKT. NO. **C076150001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

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 there were no eligible children in the household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 17, 2022, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On August 25, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record indicates that Petitioner's four children had been removed from the household by the Division of Child Protection and Permanency ("DCPP") on February 12, 2022. See Initial Decision at 2-4; see also Exhibit R-1 at 5-12. Consequently, because Petitioner no longer had eligible children in his household, the Agency terminated his WFNJ/TANF benefits by notice dated March 31, 2022, with termination effective that same date. See Initial Decision at 3-4; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-2.7(a). The ALJ concluded, that as Petitioner's assistance unit now includes only himself and his spouse, Petitioner is ineligible for WFNJ/TANF benefits. See Initial Decision at 4-5; see also N.J.A.C. 10:90-2.7(a). Nevertheless, Petitioner claimed that he had not received proper notice of the termination of his WFNJ/TANF benefits because the Agency's had not given him timely notice. See Initial Decision at 3; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-9.1(b)(1). However, the ALJ found that based upon the removal of Petitioner's children from the household by DCPP on February 12, 2022, and pursuant to applicable regulatory authority, the Agency's adverse action notice was adequate and proper as it had been issued no later than the effective date of the action, March 31, 2022. See Initial Decision at 4-5; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-9.1(a), (d)(7). Based on the foregoing, the ALJ concluded that the Agency properly terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 5; see also Exhibit R-1 at 1-4. 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.

By way of comment, Petitioner is advised that he may apply for WFNJ/General Assistance benefits, if he has not already done so. See N.J.A.C. 10:90-2.7(b).

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

Officially approved final version.

October 5, 2022

Natasha Johnson

Assistant Commissioner

