



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **07896-21 R.R.**

AGENCY DKT. NO. **C172689016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

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 Petitioner's countable resources exceeded the WFNJ/TANF benefits initial financial eligibility limit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An initial pre-hearing conference was scheduled for October 14, 2021, and adjourned. Thereafter, pre-hearing conferences were held on November 1, 2021, December 13, and 21, 2021, January 6, and 31, 2022. On March 3, 2022, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open until April 8, 2022, to allow for the submission of additional documentation, and the record closed then closed.

On April 13, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, Petitioner acknowledged, and the record substantiates, that at the time Petitioner had applied for WFNJ/TANF benefits, on or about July 7, 2021, her child's Supplemental Security Income ("SSI") benefits had been terminated, and no SSI appeal of that termination was pending. See Initial Decision at 2, 6, 8-9; see also Exhibits P-2, P-3, R-1 at 3, 9, 10, R-2, R-3. All parties acknowledged that Petitioner had not filed an appeal of said SSI termination until November 29, 2021. See Initial Decision at 3; see also Exhibits P-2, P-3. Consequently, the ALJ found that the child's SSI funds held in a "dedicated" bank account, established by Petitioner for the benefit of said child, were no longer restricted from being considered countable income for purposes of WFNJ/TANF benefits eligibility. See Initial Decision at 11-19; see also Exhibit P-7, and N.J.A.C. 10:90-3.1(b), -3.3(a), -3.10, -3.20. Therefore, as the funds held in the previously "dedicated" account exceeded the initial financial eligibility limit for receipt of WFNJ/TANF benefits, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was proper and must stand. See Initial Decision at 5, 7-8, 22-23; see also Exhibit P-7, R-1 at 4-5. I agree. Additionally, the ALJ found that Petitioner's equitable estoppel claim against the Agency was without merit, thus concluding that the Agency did not have "unclean hands," and as such, further concluded that the Agency was not equitably estopped from denying Petitioner's WFNJ/TANF benefits application or defending this action. See Initial Decision at 19-23. I also agree.



Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on April 19, 2022, with a correction to the Exceptions submitted on April 20, 2022, and exhibits to the Exceptions, which had previously been marked and moved into evidence at the hearing, submitted on April 21, 2022.

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, as the record indicates that the termination of Petitioner's child's SSI benefits has now been appealed, and the funds held in the subject "dedicated" bank account are once again restricted from being considered countable income for purposes of WFNJ/TANF benefits eligibility, Petitioner is advised that she may reapply for WFNJ/TANF benefits if she has not already done so. See Initial Decision at 23.

By way of further comment, I have reviewed the submitted Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

May 12, 2022

Natasha Johnson
Assistant Commissioner

