



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 **00704-22 S.H.**

AGENCY DKT. NO. **C069709003 (BURLINGTON COUNTY BD. 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 his spouse ("S.H.") failed to reapply for Supplemental Security Income ("SSI") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 23, 2022, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 16, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that the sole basis for the Agency's denial of Petitioner's WFNJ/TANF benefits application was due to S.H.'s purported failure to reapply for SSI benefits, and as such, is the only issue addressed in this Final Agency Decision. See Initial Decision at 2, 4-6; see also Exhibit R-4, and N.J.A.C. 10:90-9.1(a)(1)(ii), (iii). The record reflects that Petitioner had applied for SSI benefits and that his application had been processed. See Initial Decision at 3. The record also reflects that S.H. had applied for SSI benefits, had been denied, had appealed that denial in September 2021, and had followed through on the appeal process to the best of her ability, taking into account her medical issues. Id at 3-4, 6; see also Exhibits P-1, P-2, P-3. Based on the foregoing, the ALJ found that both Petitioner and S.H. had satisfied the relevant regulatory requirements set out at N.J.A.C. 10:90-1.12. See Initial Decision at 5-6; see also N.J.A.C. 10:90-2.2(a)(3). Specifically, the ALJ found that said regulation only required that S.H. apply for SSI benefits, which she had done, and not that she reapply for SSI benefits once her initial SSI application had been denied, and appealed. See Initial Decision at 5-6. Accordingly, the ALJ found that Petitioner and S.H. had not refused to apply for benefits for which they may have been eligible and therefore, concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was improper and must be reversed. Id. at 6; 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.

April 8, 2022

Natasha Johnson
Assistant Commissioner

