



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 **07222-22 T.L.**

AGENCY DKT. NO. **C082331008 (GLOUCESTER COUNTY DIV. 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 she had failed to provide the social security numbers for three of her children, required to determine her eligibility for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 23, 2022, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On August 24, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner was unable to provide social security numbers for three of her children, as required by the Agency, because those three children had been born at home in California, and had no official birth certificates, which are required to obtain such social security numbers. See Initial Decision at 2-3; see also Exhibits P-1, R-1 at 48-50,179. Of note, the record indicates that Petitioner had provided the Agency with all other required documentation. See Initial Decision at 2; see also Exhibit R-1 at 5, 36-50. Nevertheless, the Agency denied Petitioner WFNJ/TANF benefits for failure to provide the required documentation. See Initial Decision at 2; see also Exhibit R-1 at 181, and N.J.A.C. 10:90-2.2(a)(5), (8). The record further reflects that Petitioner has been actively and diligently contacting all persons and agencies necessary to obtain her children's social security numbers, but requires additional time to complete the process, as one of the requirements toward obtaining those numbers is that Petitioner attend a hearing in California, in order to acquire official birth certificates for those children. See Initial Decision at 3-5; see also Exhibits P-1, R-1 at 179. Moreover, at this time the record indicates that Petitioner has no income and cannot afford to attend a hearing in California. See Initial Decision at 3-4; see also Exhibit R-1 at 39-40. Based on the foregoing, the ALJ concluded Petitioner had demonstrated a good cause exception for failing to provide the social security numbers for her three youngest children. See Initial Decision at 4-5; see also N.J.A.C. 10:90-2.2(a). Accordingly, the ALJ further concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was improper and must be reversed. See Initial Decision at 5-6; see also Exhibit R-1 at 181. I agree.

Exceptions to the Initial Decision were filed by the Agency on August 26, 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 it appears from the record that the Agency's denial of WFNJ/TANF benefits is based solely on Petitioner's failure to provide the aforementioned social security documentation, I find that Petitioner is eligible for WFNJ/TANF benefits, and as such, the Agency is instructed to provide Petitioner with WFNJ/TANF benefits retroactive to the date of her WFNJ/TANF benefits application. ee Initial Decision at 2.

By way of further comment, the transmittal in this matter also indicates a contested issue pertaining to the denial of EA benefits to Petitioner. That issue was not addressed by the ALJ in her Initial Decision. However, based on the ALJ's determination above, that Petitioner is eligible for WFNJ/TANF benefits, I direct the Agency to reevaluate Petitioner for EA benefits, on an expedited basis. Further, Petitioner is advised that should the Agency again deny her EA benefits, she is without prejudice to request another fair hearing on that issue alone.

Also by way of comment, as the record reflects that Petitioner is a victim of domestic violence, if applicable, the Agency should refer her for a Family Violence Option risk assessment pursuant to N.J.A.C. 10:90-20.1 et seq. See Initial Decision at 3; see also Exhibit R-1 at 51-62.

Additionally, by way of comment, Petitioner is advised to apply for child care services and transportation expenses, if such services are needed. See N.J.A.C. 10:90-5.2, -5.3, and -5.4.

Finally, by way of comment, I have reviewed the Agency's 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 REVERSED.

Officially approved final version.

August 31, 2022

Natasha Johnson
Assistant Commissioner

