



## State of New Jersey

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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 **05470-22 Y.W.**

AGENCY DKT. NO. **S642686012 (MIDDLESEX 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"), and Emergency Assistance ("EA"), benefits. The Agency denied Petitioner WFNJ/TANF benefits, contending that she had failed to provide documents required to determine eligibility for said benefits, and denied Petitioner EA benefits, contending that she was not a WFNJ or Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 7, 2022, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 8, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on July 18, 2022.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the record reflects that on April 21, 2022, Petitioner applied for WFNJ/TANF benefits, and that, as part of that application process, among other things, Petitioner was required to provide the Agency with proof that she had applied for Unemployment Insurance Benefits ("UIB") by May 21, 2022. See Initial Decision at 2-3; see also Exhibits TANF-R-1 at 2-14, TANF-R-2, and N.J.A.C. 10:90-2.2(a)(5). The record also reflects that Petitioner had failed to provide proof to the Agency that she had successfully applied for UIB by the required date, and therefore, on May 25, 2022, the Agency denied WFNJ/TANF benefits to Petitioner. See Initial Decision at 2-3; see also Exhibits TANF-R-3, TANF-R-4, and TANF-R-7. Consequently, the Agency also denied Petitioner's application for EA benefits because she was not a WFNJ, nor an SSI, benefits recipient. See Initial Decision at 2; see also Exhibits EA-R-1, EA-R-9, and N.J.A.C. 10:90-6.2(a) (limiting eligibility for EA benefits to WFNJ and SSI benefits recipients). However, the ALJ found Petitioner credible when she testified, and as corroborated by the record, that she had applied for UIB in a timely manner, that she had diligently followed up with the Department of Labor



("DOL") regarding the processing of her application, that she had successfully completed the application process by June 5, 2022, that Petitioner had continually updated the Agency regarding the issues she was having with the UIB application process, and that it was through no fault of her own that DOL had failed to timely process her application. See Initial Decision at 4-6; see also Exhibit P-1. Based on the foregoing, the ALJ concluded that Petitioner had good cause for failing to timely provide proof of a successful UIB application to the Agency by May 21, 2022, and as such, further concluded that the Agency's denial of Petitioner's WFNJ/TANF and EA benefits applications was improper and must be reversed. See Initial Decision at 6; See also Exhibits TANF-R-4, and EA-R-8.

While I agree with the ALJ's conclusion that the Agency's denial of Petitioner's WFNJ/TANF and EA benefits applications must be reversed on the basis that she had failed to provide required documentation, it is unclear from the record whether or not Petitioner meets all other eligibility requirements for the receipt of WFNJ/TANF and EA benefits. See Initial Decision at 5-6; see also N.J.A.C. 10:90-2.2 and N.J.A.C. 10:90-6.1 et seq., respectively. Therefore, I am remanding this matter back to the Agency to expeditiously reevaluate Petitioner's initial WFNJ/TANF and EA benefits applications to determine her eligibility for said benefits. Further, if Petitioner is found eligible for WFNJ/TANF and EA benefits, the Agency is directed to provide such benefits to Petitioner retroactive to the date of her initial applications for said benefits. See Exhibits TANF/R-4 and EA/R-8. Petitioner is advised that should she again be denied WFNJ/TANF and/or EA benefits, she may request another fair hearing on the substantive denial(s). The Initial Decision is modified to reflect these findings.

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 MODIFIED, the Agency's determination is REVERSED, and the matter REMANDED to the Agency, as outlined above.

Officially approved final version.

July 19, 2022

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Natasha Johnson  
Assistant Commissioner

