



State of New Jersey

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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 **07863-25 K.K.**

AGENCY DKT. NO. **C688014007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 failed to cooperate with child support requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On July 8, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents and the record closed. The record was reopened for supplemental argument on August 22, 2025, and then was closed again. On August 28, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on September 4, 2025.

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 hereby MODIFY the Initial Decision, and REVERSE the Agency determinations in this matter, based on the discussion below.

At the outset of this Final Agency Decision, I hereby take official notice that the records of this office now reflect that Petitioner is using the name of K.K., rather than M.D., as was the case at the time of the request for the fair hearing in this matter. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). I take further official notice that the records of this office were checked thoroughly, in order to verify certain personal identifying information specific to Petitioner, thereby establishing that K.K. and M.D., are one and the same person.

Pursuant to N.J.A.C. 10:90-16.2, the first step in the application process for WFNJ/TANF eligibility, is cooperation with the child support requirements set out in N.J.A.C. 10:90-16.3, and the good faith effort requirement set out in N.J.A.C. 10:90-16.4.

Pursuant to N.J.A.C. 10:90-16.4(b)(1), (2), cooperation in good faith for WFNJ/TANF applicants shall include, but is not limited to, providing the Agency with information, to the best of the applicant's ability, related to the non-custodial parent, which shall include at least three of the following: the parent's full name; date of birth; Social Security number address (current or last known); employer (current or last known) or other sources of income; manufacturer, model and license plate number of automobile; motor vehicle driver's license number; the address and/or name of the non-custodial parent's parent(s) or sibling(s).

Here, the ALJ found Petitioner credible when she testified that she has had no contact with her child's father in over twelve years, and that the last she was aware, he was residing in Liberia. See Initial Decision at 3; see also Exhibit



P-3. Additionally, the ALJ found Petitioner credible when she stated that she did not know any personal information with respect to the child's father, such as his correct birthdate, address or any contact information. Ibid. Further, the ALJ found that Petitioner had provided the Agency with an affidavit, attesting to the aforementioned facts. See Initial Decision at 3. Based on the foregoing, the ALJ found that Petitioner had provided, in good faith, all the information that she could about the child's father and that she could not be expected to provide information that she does not have and cannot obtain. Id. at 4. Accordingly, the ALJ found that, as there is no additional information that Petitioner can provide to the Agency regarding her child's father, she has complied with the child support requirements to the best of her ability, and as such, the granting of WFNJ/TANF benefits is warranted. Ibid.; see also N.J.A.C. 10:90-16.4(b), (c). Moreover, based on specific facts presented in this matter, the ALJ found that Petitioner can also be found to have a good cause exception from the child support requirements. See Initial Decision at 4; see also N.J.A.C. 10:90-16.5(a)(5). Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was improper and must be reversed. See Initial Decision at 4-5. I agree, but hereby modify the Initial Decision to correct the applicable legal authority with respect to the good cause exceptions, as the ALJ cites to N.J.A.C. 10:90-6.5, rather than to N.J.A.C. 10:90-16.5.

By way of comment, if Petitioner is in need of Emergency Assistance benefits, she should complete an application for same, if she has not already done so. The Agency is directed to expedite the application and determination on same.

By way of further comment, I have reviewed the Agency's Exceptions and find that the arguments made therein do not alter my decision in this matter, for several reasons. First, the Exceptions reference emails which are not admitted in the record, but the substantive focus of which is with regards to the submission and possible inclusion of certain landlord tenant documents submitted after the record in this matter had closed on July 8, 2025. While the Initial Decision in this case states that the documentation submitted post hearing was not admitted into the record, the Initial Decision seems to indicate that eviction papers submitted on July 8, 2025, were considered. See Initial Decision at 3. I take official notice of the fact that the case record in this matter, forwarded to this office by OAL, contain no eviction papers of any kind, despite the ALJ's reference to same. Furthermore, no issue pertaining to Emergency Assistance was transmitted by this office to OAL for consideration in this case. As such, I find that the Exceptions submitted by the Agency do not alter my decision in this case.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, as outlined above.

Officially approved final version. September 16, 2025

Natasha Johnson
Assistant Commissioner

