



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 **05267-25 K.W.**

AGENCY DKT. NO. **C357221007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's delay in processing of her applications for Supplemental Nutrition Assistance Program ("SNAP") benefits and Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A hearing was initially scheduled for June 16, 2025, but Petitioner failed to appear. The following day, Petitioner contacted the OAL and indicated she had confused the date of the hearing, leading her to miss the call-in. On the rescheduled date of June 30, 2025, the Agency failed to call-in and the hearing was adjourned. On July 21, 2025, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On July 30, 2025, the ALJ issued an Initial Decision, ordering the Agency to expedite processing of Petitioner's applications for SNAP and WFNJ/TANF benefits.

No Exceptions to the Initial Decision were received.

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

It is anticipated that the Agency will accept, process, and recommend action on applications for WFNJ cash benefits within 30 days. N.J.A.C. 10:90-1.5(a). Pursuant to N.J.A.C. 10:90-9.1(b), an Agency must provide both adequate and timely notice advising of a termination, denial or suspension of welfare benefits. Adequate notice is a written notice outlining the intended action and the reasons for the action. See N.J.A.C. 10:90-9.1(a). Timely notice is defined as "a notice that is mailed to the recipient at least 10 calendar days before the effective date of the action." See N.J.A.C. 10:90-9.1(b)(1).

I take official notice of the fact that the records of this office reflect that Petitioner has been receiving monthly SNAP benefits for some time, in fact, well before October, 2024. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). As such, this Final Agency Decision is limited solely to the issue of Petitioner's WFNJ/TANF application. The Initial Decision is modified to reflect this finding.

The ALJ in this matter found that Petitioner initially applied for WFNJ/TANF benefits on October 1, 2024. See Initial Decision at 2. The ALJ found Petitioner's testimony credible that she had emailed the Agency on October 21, October 24, October 29, November 8, November 20, and December 6, 2024, requesting a status update as to her application and never received any response from the Agency. See Initial Decision at 2-3. Petitioner thereafter requested a fair hearing regarding the delay in the processing of her application, at which time the Agency began to process her application. See



Initial Decision at 3. At the time of the hearing, the Agency representative testified that the Agency failed to timely process the application, confirming that no notice was issued to Petitioner regarding the status of her application until after a fair hearing was requested. Ibid.

Based on the foregoing, the ALJ concluded that the Agency must take immediate corrective action and complete the benefits eligibility determinations and issue notice to Petitioner regarding her eligibility for said benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-9.1(b). The ALJ further found that if eligibility is established, the Agency shall grant retroactive, as well as prospective benefits, as appropriate. Ibid.; see also N.J.A.C. 10:90-9.16(c). I agree, and am therefore remanding the matter to the Agency to reevaluate Petitioner's eligibility for WFNJ/TANF benefits, on an expedited basis. If Petitioner is denied said benefits, proper notice is to be issued and Petitioner may request another fair hearing on that substantive denial. The Initial Decision is further modified to reflect these findings.

By way of comment, the Agency is reminded of its responsibility to provide timely and adequate notice pursuant to N.J.A.C. 10:90-9.1.

By way of further comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

Accordingly, the Initial Decision in this matter is hereby ADOPTED, the Agency's determination is REVERSED and the matter is REMANDED to the Agency for further action, as outlined above.

Officially approved final version. August 19, 2025

Natasha Johnson
Assistant Commissioner

