



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 14225-15 A.B.

AGENCY DKT. NO. GA314370 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits contending that she failed to provide documentation on how she was supporting herself prior to applying for WFNJ/GA. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 14, 2015, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner to provide the court with additional information concerning support, which was received by the court and marked as Exhibit P-1. The record was closed on October 16, 2015. On October 16, 2015, the CALJ issued an Initial Decision, which reversed the Agency's action.

No Exceptions to the Initial Decision were received.

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

Pursuant to N.J.A.C. 10:90-2.7(b)(1), the composition of a WFNJ/GA assistance unit is most often either a single individual over 18 years of age, or a couple without dependent children. WFNJ/Temporary Assistance for Needy Families ("TANF") is a component of WFNJ that provides assistance to adults with dependent children. N.J.A.C. 10:90-1.1(b).

Here, the record shows that when Petitioner applied for WFNJ/GA, on June 26, 2015, she had no dependent children. See Initial Decision at 2. Additionally, the record shows that at the time she applied for WFNJ/GA, she was living with her grandmother. Ibid. The Agency denied Petitioner WFNJ/GA benefits because she failed to provide it with documentation indicating how she was supporting herself prior to applying for WFNJ/GA. Ibid. However, the CALJ found that Petitioner's credible testimony, and current letter from her grandmother, dated October 14, 2015, provided proof that Petitioner has received no support from her grandmother since September 26, 2015. Id. at 3. Therefore, the CALJ found that Petitioner had now provided the Agency with the documentation it required, fulfilled the Agency's WFNJ/GA eligibility requirement as of October 14, 2015, and ordered that Petitioner receive WFNJ/GA benefits as of that date. Id. at 4.

However, since Petitioner has given birth to a son on September 25, 2015, she is ineligible for WFNJ/GA benefits. See N.J.A.C. 10:90-2.7(b)(1). Rather, Petitioner must be reevaluated for WFNJ/TANF benefit eligibility, in accordance with N.J.A.C. 10:90-2.2. Accordingly, I modify the CALJ's Initial Decision to reflect this finding, and remand the matter back to the Agency to reevaluate Petitioner for WFNJ/TANF benefits on an expedited basis. Further, I concur with the CALJ's finding that Petitioner has established how she was supporting herself prior to applying for WFNJ/GA benefits, and find that she cannot be denied WFNJ/TANF benefits on that basis.

Accordingly, the Initial Decision is MODIFIED, the Agency's action is REVERSED, and the matter is REMANDED back to the Agency based on the discussion above.

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Signed Copy on File
at DFD, BARA

Natasha Johnson
Director