



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 14238-15 C.M.

AGENCY DKT. NO. C666223 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner's application because it contended that there were no eligible children in the household, and that Petitioner failed to cooperate with the child support unit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 22, 2015, the Honorable Jesse H. Strauss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 22, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the Initial Decision WITH CONTINGENCIES and REVERSE the Agency's determination.

A WFNJ/TANF assistance unit shall be comprised of individuals living together and functioning as one economic unit, and usually consists of a parent, or parents, with dependent children. See N.J.A.C. 10:90-2.7(a)(1). However, the WFNJ/TANF family may also include persons whose relationship is based on a blood and/or legal relationship. Ibid. A legal relationship is one created through marriage, adoption, civil union, or legal guardianship proceedings. Ibid.

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The record reveals that Petitioner has legal custody of her three minor grandchildren, as a result of family court orders dated April 24, 2015, May 4, 2015, and August 31, 2015. See Initial Decision at 2; see also Exhibits P-1, P-2 and P-3. At the hearing, the ALJ found that Petitioner has sufficiently established that she has a blood relationship with, as well as legal and residential custody of, her three grandchildren. See Initial Decision at 3. Petitioner was employed, but has been unable work and has been on medical leave from her job since April 2015. See Initial Decision at 2. Petitioner currently receives no income and, therefore, has insufficient income to support her three grandchildren on her own. See Initial Decision at 2-3.

In his Initial Decision, the ALJ concluded that Petitioner meets the definition of "parent" pursuant to the WFNJ regulations, and that she meets the eligibility requirements for WFNJ/TANF benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-2.7(a)(3). Further, the ALJ found Petitioner credible when she testified that she had "provided all the requested information to the child support unit regarding the three children...." See Initial Decision at 3. Based on the foregoing, the ALJ concluded that the Agency's action was improper and should be reversed.

I agree with, and hereby adopt, the Initial Decision, with the following contingencies. I find that the Agency's action shall be reversed, and that Petitioner is entitled to WFNJ/TANF benefits, contingent upon Petitioner providing the Agency with proof that she has applied, through the child support unit, for child support payments on behalf of her three grandchildren.

By way of comment, Petitioner may wish to explore Kinship Legal Guardianship, which is administered by the Department of Children and Families. Petitioner can contact 2-1-1 to obtain a referral to her local Kinship Agency and to learn more about Kinship Legal Guardianship, as well as other supportive services that may be available to her.

Accordingly, the Initial Decision is hereby ADOPTED WITH CONTINGENCIES and the Agency's action is hereby REVERSED.

Signed Copy on File
at DFD, BARA

DEC 28 2015

Natasha Johnson
Director