



State of New Jersey

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*Director*

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

REMAND DECISION

OAL DKT. NO. HPW 13669-18 D.O.

AGENCY DKT. NO. C208811009 (HUDSON COUNTY DEPT OF FAM SVCS)

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 for a hearing. On September 25, 2018, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on September 25, 2018, the ALJ issue an Initial Decision, reversing the Agency's determination.

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 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 ALJ found that Petitioner does not have any information regarding her son's father; she does not know his name or address, and does not know how to contact him. See Initial Decision at 2, 4. Based on the unusual circumstances related to the conception of Petitioner's son, the ALJ found that there is no information that Petitioner can provide to the Agency regarding her son's father, and as such, that she has complied with the child support requirements to the best of her ability. *Id.* at 4. Accordingly, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was improper, and must be reversed, and ordered that Petitioner also be provided with immediate need assistance in the form of past due rent, as Petitioner is facing an imminent eviction. *Id.* at 4-5; see also "Notice Form," and N.J.A.C. 10:90-16.2, -16.4.

I agree with the ALJ's conclusion that Petitioner has complied with the WFNJ child support requirements to the best of her ability; however, the transmittal in this matter also indicates a contested issue regarding a denial of WFNJ/TANF benefits due to excess income, which was not addressed by the ALJ in the Initial Decision. See Initial Decision at 4. Therefore, I find that Petitioner is eligible for WFNJ/TANF benefits provided that she is not over the maximum allowable financial income eligibility level for receipt



of WFNJ/TANF benefits. See N.J.A.C. 10:90-3.1(b), -3.3(a). If, however, the Agency determines that Petitioner is over income for receipt of WFNJ/TANF benefits, Petitioner may request another fair hearing on that issue alone. Further, only WFNJ or Supplemental Security Income benefits recipients are eligible for EA benefits, and as such, the Agency must first determine if Petitioner appears to meet all other WFNJ and EA program eligibility requirements before immediate need assistance may be granted. See N.J.A.C. 10:90-1.3(a), -6.2(a). Finally, the record reflects that Petitioner is facing imminent homelessness, and therefore, the Agency is directed to expedite the processing of Petitioner's WFNJ/TANF benefits application, and EA benefits application, if applicable; and to evaluate Petitioner for immediate need housing assistance in the interim, if applicable. See Initial Decision at 4-5; see also N.J.A.C. 10:90-1.3(a), -3.1(b), -3.3(a), and -6.1 et seq. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's action is REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version.

OCT - 3 2018

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Natasha Johnson  
Director

