



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 **003906-24 K.S.**

AGENCY DKT. NO. **S443868014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance to Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner's WFNJ/TANF benefits, contending that Petitioner does not maintain majority residential custody of her minor child and therefore, that the minor child cannot be included in her TANF household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 16, 2024, the Honorable Bindi Merchant, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents, and the record was subsequently closed on May 28, 2024.

On June 11, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner applied for WFNJ/TANF benefits on January 11, 2024. See Initial Decision at 2; see also Exhibit R-1. On February 9, 2024, the Agency notified Petitioner that she was ineligible for WFNJ/TANF benefits as she did not have equal or majority residential custody of her minor child. See Initial Decision at 2; see also Exhibit R-5. In making the eligibility determination, the Agency relied upon the Superior Court of New Jersey Order dated February 7, 2024, which stated that the minor child resides with her father most of the time and determined that Petitioner was not entitled to child support, as well as correspondence from the minor child's school district stating that the child resides at her father's address. See Initial Decision at 2; see also Exhibits R-1, R-3. Based on the foregoing, as well as testimony provided at the hearing, the ALJ concluded that the minor child does not reside with Petitioner the majority of the time, and as such, the Agency's denial of WFNJ/TANF benefits to Petitioner was proper and must stand. See Initial Decision at 3, see also N.J.A.C. 10:90-2.7(a)(1), (a)(3)(i), -2.16(a)(1), -15.1, -16.2(b). I agree.

No Exceptions to the Initial Decision were received.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/TANF benefits, should her household composition change, and is advised that she must provide the Agency with all requested/required documentation for such eligibility determination. See N.J.A.C. 10:90-2.2(a)(5). Similarly, Petitioner is without prejudice to apply for Work First New Jersey/General Assistance ("WFNJ/GA") benefits for herself alone, should she so choose.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.



Officially approved final version. July 11, 2024

Natasha Johnson
Assistant Commissioner

