



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

FINAL DECISION

OAL DKT. NO. HPW 14216-18 A.B.

AGENCY DKT. NO. C255868007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that Petitioner had exhausted her lifetime limit of WFNJ/TANF benefits, and no longer qualified for a Family Violence Option Initiative ("FVO") waiver of such time limit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 15, 2018, and continued on October 24, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 15, 2018, the ALJ issued 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, and REVERSE the Agency's determination, as discussed below.

Here, the record reflects that Petitioner has received 104 cumulative months of WFNJ/TANF benefits, and as such, she has exhausted her lifetime limit of WFNJ/TANF benefits. See Initial Decision at 2-3; see also N.J.A.C. 10:90-2.3(a), -2.20. Petitioner sought an FVO waiver of the WFNJ/TANF benefits time limit, but was denied said waiver based on an October 2, 2018, FVO assessment which indicated that Petitioner was at low risk for a recurrence of domestic violence. See Initial Decision at 3-4; see also Exhibits R-3, R-4, OAL-2. However, the ALJ found that, based on a recent occurrence of DV against Petitioner in July 2018, her mental health issues, and the fact that the Agency's most recent FVO assessment was conducted prematurely, less than six months from the date of her previous FVO assessment in contravention of regulatory authority, Petitioner is eligible for an FVO waiver of the WFNJ/TANF benefits time limit until the end of December 2018, and reversed the Agency's termination of Petitioner's WFNJ/TANF benefits. See Initial Decision at 5-6; see also Exhibits P-2, P-3, P-4, R-4, OAL-1, and N.J.A.C. 10:90-2.4(a)(5), -2.6, -20.8(c).

I disagree with the ALJ's finding that the Agency's FVO assessment was premature because it was conducted less than six months after her previous June 2018, FVO assessment, as regulatory authority allows the Agency to "shorten the time for WFNJ FVO Waiver reevaluation and request an update of the WFNJ FVO Risk Assessment based on the case by case circumstances of the individual." See Initial Decision at 5-6; see also N.J.A.C. 10:90-20.8(c)(1). Nevertheless, based on Petitioner's particular circumstances, I concur with the ALJ that Petitioner is eligible for an FVO waiver of her WFNJ/TANF benefits time limit through the end of December 2018, after which time a new FVO assessment shall be conducted, the outcome of which will determine Petitioner's continued eligibility for an FVO waiver from the WFNJ/TANF



benefits time limit. See Initial Decision at 3-6; see also N.J.A.C. 10:90-2.4(a)(5), -2.6, -20.1 et seq. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, as outlined above.

Officially approved final version.

DEC 21 2018

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Natasha Johnson

Director

