



State of New Jersey

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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 04133-18 S.W.

AGENCY DKT. NO. C273016007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/TANF benefits contending that Petitioner failed to provide documentation required to determine eligibility for said benefits. The Agency denied Petitioner EA benefits contending that she was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 22, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 22, 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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

As a condition of eligibility for WFNJ benefits, the applicant/recipient shall, subject to good cause exceptions, be required to provide all necessary documentation. See N.J.A.C. 10:90-2.2(a)(5).

Only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that Petitioner's apartment was destroyed by fire, along with all of Petitioner's worldly possessions, and important papers, including her and her children's birth certificates. See Initial Decision at 2-3. Thereafter, the Agency provided Petitioner and her family with an immediate shelter placement, and Petitioner applied for WFNJ/TANF, Supplemental Nutrition Assistance Program ("SNAP"), and EA benefits. *Ibid.* In order to determine Petitioner's eligibility for said benefits, Petitioner was required to provide the Agency with documentation regarding the date of birth, social security number, and current address of her eldest child's father; and income verification and paystubs for the father of her three other children. *Id.* at 3; see also Exhibits R-1, R-1a. However, due to the fire, Petitioner was only able to provide the Agency with the birth certificates of her children by contacting her family physician who was able to procure said documents for her. See Initial Decision at 3. Nevertheless, the Agency denied Petitioner WFNJ/TANF and EA benefits based on Petitioner's failure to provide the requested documentation. *Ibid.*; see also Exhibits R-2, R-3, and N.J.A.C. 10:90-2.2(a)(5), -6.2(a), and N.J.A.C. 10:87-2.27(e).

Petitioner testified that she exercised due diligence in obtaining all the information and documentation requested, but was unable to do so due to the fire. See Initial Decision at 3. Particularly, Petitioner maintained that she could not provide



information regarding the father of her eldest child because she had not been in contact with that child's father in over a decade, and that she had last heard that he was incarcerated in 2008. Ibid. Additionally, Petitioner stated that she could not provide paystubs for the father of her other three children, with whom she resided, because he had not been employed since October 2017, and all his employment documentation had been destroyed in the fire. Ibid. Based on the foregoing, the ALJ found that Petitioner had not failed to cooperate, that she had made diligent efforts to comply with the Agency's demands, and that she was unable to obtain certain information due to no fault of her own. See Initial Decision at 4. Accordingly, the ALJ concluded that the Agency's denial of WFNJ/TANF and EA benefits to Petitioner was unwarranted and must be reversed. Ibid.; see also Exhibits R-2, R-3. I agree.

Additionally, while not a transmitted issue in this matter, the ALJ also addressed the Agency's denial of SNAP benefits, also for a failure to provide verification. See Exhibit R-2. Based on the same facts as stated above, the ALJ found that the Agency's denial of SNAP benefits to Petitioner was also improper. See Initial Decision. I also agree.

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

Officially approved final version.

**MAR 28 2018**

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Natasha Johnson  
Director

