



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 **08019-24 A.F.**

AGENCY DKT. NO. **C736052007 (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") benefits, and denial of EA benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner WFNJ/TANF benefits contending that she failed to submit documentation needed to determine her WFNJ/TANF eligibility. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient, and contending that she had the capacity to plan to avoid her emergent situation, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 17, 2024, the Honorable Patrice E. Hobbs, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On June 18, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby **ADOPT WITH CONTINGENCIES** the ALJ's Initial Decision, and **REVERSE** the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-6.2(a) provides that Work First New Jersey ("WFNJ") cash recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits.

Here, the record indicates that the Agency had sent Petitioner a notice requesting certain documentation, specifically personal identification, and her signed WFNJ application forms, requirements necessary for the Agency to approve Petitioner's application for WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibits R-3, R-6, and N.J.A.C. 10:90-2.2(a)(5). Of note, Petitioner has a minor child in her household, and as such, is considered as having applied for WFNJ/TANF benefits, not WFNJ/General Assistance ("WFNJ/GA") benefits. See Initial Decision at 2; see also Exhibit R-4, and N.J.A.C. 10:90-2.7(a). However, the ALJ found that said notice was sent to the address from which Petitioner had recently been evicted, that Petitioner had not received the notice, and as such, further found that Petitioner had good cause for failing to provide the requested documentation. See Initial Decision at 3. Additionally, the Agency stated, and the ALJ found, that but for the fact that Petitioner had not provided the Agency with the aforementioned documentation, she would otherwise be eligible for WFNJ/TANF benefits. *Id.* at 3-4. Based on the foregoing, the ALJ concluded that Petitioner had proven by a preponderance of the of the credible evidence that she was presumptively qualified for WFNJ benefits, and that she is therefore, eligible for EA benefits. *Id.* at 4; see also Exhibits R-2, R-6, and N.J.A.C. 10:90-6.1(a), -6.1(c). Additionally, the ALJ found that Petitioner had indeed planned to address her emergent situation after she had



left her employment in 2021, but was unsuccessful due to mitigating circumstances, and on that basis, found Petitioner eligible for EA benefits. See Initial Decision at 2, 4; see also Exhibits R-2, R-5, and N.J.A.C. 10:90-6.1(c)(1)(i).

Firstly, I respectfully disagree with the ALJ's conclusion that Petitioner is eligible for EA benefits on the basis that she is presumptively eligible for WFNJ benefits. Rather, I find that there is nothing in the record to indicate that Petitioner has yet provided the Agency with the required documentation needed to approve her application for WFNJ benefits. Further, I take official notice that the records of this office indicate that Petitioner has not yet been approved for WFNJ benefits. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Therefore, I find that Petitioner's eligibility for EA benefits is contingent upon her first providing the Agency with the required documents. See N.J.A.C. 10:90-2.2(a)(5), -6.2(a). As such, Petitioner is instructed to provide the Agency with the requested documentation, within 15 days of the date of this Final Agency Decision, if she has not already done so. Upon receipt of the requested documentation from Petitioner, based on Petitioner's particular circumstances, as discussed above, the Agency shall provide Petitioner with WFNJ/TANF benefits retroactive to the date of her WFNJ application. See Initial Decision at 2, 5; see also Exhibit R-6, and N.J.A.C. 10:90-1.2(f) (8).

Secondly, I agree with the ALJ's conclusion that Petitioner had planned to avoid her emergent situation, and therefore, on that basis, is eligible for EA benefits. See Initial Decision at 2, 4; see also N.J.A.C. 10:90-6.1(c)(1). Moreover, I also find that Petitioner's loss of employment back in 2021, three years prior to her application for EA benefits, was too remote in time to form the basis for the Agency's denial of EA benefits in this matter. Accordingly, I adopt the ALJ's ultimate conclusion on this issue, and find that the Agency's denial of EA benefits, and the imposition of a six-month EA ineligibility penalty, on the basis that Petitioner had the capacity to plan, but failed to do so, was improper, and must be reversed. See Initial Decision at 4; see also Exhibit R-2.

Accordingly, the Initial Decision is hereby ADOPTED WITH CONTINGENCIES, as stated above, and the Agency's determination is REVERSED.

Officially approved final version. June 25, 2024

Natasha Johnson
Assistant Commissioner

