



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 **02090-24 T.G.**

AGENCY DKT. NO. **C051516013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)**

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's daughter ("J.H."), mother of minor child ("L.H.") had moved into Petitioner's household, and as such, Petitioner no longer exercised primary responsibility for the care and control of L.H., and therefore, was no longer eligible for WFNJ/TANF benefits, but rather that J.H. would now be eligible to apply for WFNJ/TANF benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 19, 2024, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 29, 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY ALJ's Initial Decision in this matter and REVERSE the Agency's determination, based on the discussion below.

Here, the ALJ found, and the record substantiates, that by Court Order dated May 26, 2016, Petitioner was granted joint legal and residential custody of her grandchild L.H., and specifies that Petitioner shall make "all decisions for the minor child including medical, educational, and travel decisions." See Initial Decision at 2, 4; see also Exhibit R-3. Additionally, the ALJ found Petitioner credible when she testified that she continues to have sole decision making and economic responsibility for L.H., and that although J.H. may temporarily reside with Petitioner, J.H. has "no say so" as to L.H.'s care. See Initial Decision at 3. Moreover, the ALJ found that, other than to reiterate the regulatory requirements, the Agency failed in its attempt to explain the Agency's determination to terminate Petitioner's WFNJ/TANF benefits. *Ibid.*; see also N.J.A.C. 10:90-2.7(a). Based on the record and testimony provided, the ALJ concluded that Petitioner is the primary caretaker for L.H., and provides care and control for her grandchild L.H. See Initial Decision at 3-4. Accordingly, the ALJ concluded that Petitioner is eligible for WFNJ/TANF benefits, that the Agency's termination of said benefits was improper and must be reversed, and therefore ordered the Agency to provide Petitioner with WFNJ/TANF benefits retroactive to January 17, 2024. *Id.* at 4-5; see also Exhibit R-5, and N.J.A.C. 10:90-2.7(a). While I agree with the ALJ's conclusion that the termination was improper and must be reversed, as the record reflects that Petitioner received WFNJ/TANF benefits for the month of January, 2024, and the Agency's adverse action notice states that Petitioner's WFNJ/TANF case would close effective February 1, 2024, I find that Petitioner is to be provided with WFNJ/TANF benefits retroactive to February 1, 2024. See Exhibit R-5. 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.

May 28, 2024

Natasha Johnson

Assistant Commissioner

