



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
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

REMAND DECISION

OAL DKT. NO. HPW 06706-18 T.R.

AGENCY DKT. NO. C409353004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner WFNJ/TANF benefits contending that she was over the initial financial eligibility level for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 14, 2018, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 29, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter to the Agency.

Exceptions to the Initial Decision were filed by the Agency on July 10, 2018.

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, REVERSE the Agency's determination, and REMAND the matter to the Agency based on the discussion below.

Here, the record reflects that Petitioner applied for WFNJ/TANF benefits on March 8, 2018, and that her assistance unit ("AU") consists of herself, two minor children, and the father of one of her children ("R.S."). See Initial Decision at 3, 4; see also Exhibit R-1 at 5, 12, 34, 47. On April 5, 2018, the Agency denied Petitioner WFNJ/TANF benefits contending that her assistance unit had monthly income from her Unemployment Insurance Benefits ("UIB") in the amount of \$1,104, and \$2,106 in monthly earned income from R.S.'s employment. See Initial Decision at 3; see also Exhibit R-1 at 1-4, 19-32, and N.J.A.C. 10:90-3.1(b), -3.2, -3.3(a). However, Petitioner claimed that her UIB ended on February 18, 2018; that she only began receiving disability income on April 2, 2018; that R.S. does not live with her and has been removed from her Supplemental Nutrition Assistance Program ("SNAP") benefits case by the Agency; and that R.S. should not be part of the AU for WFNJ/TANF eligibility purposes. See Initial Decision at 3-4; see also Exhibit R-1 at 24, 45, and 49. The record also reflects that R.S. provided the Agency with a hand written statement, certifying that he resided with his mother throughout the week, and only spent weekends with Petitioner so that he could be with his son. See Initial Decision 3; see also Exhibit R-1 at 45. Further, as a condition of eligibility for WFNJ/TANF benefits, Petitioner was required to obtain a child support order against R.S. See Initial Decision at 5; see also N.J.A.C. 10:90-16.3. However, Petitioner refused to do so. See Initial Decision at 4. Based on the testimony and evidence presented, the ALJ found that Petitioner did not have income in March 2018, and that she may be eligible for WFNJ/TANF benefits for March 2018, provided that she cooperates in obtaining a child support order against R.S. as required by regulatory authority. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3. Therefore, the ALJ remanded the matter to the Agency to allow Petitioner the opportunity to apply for child support, and to then reevaluate her for WFNJ/TANF benefits eligibility for the month of March 2018. See Initial Decision at 5. I agree.



By way of comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is REVERSED, and the matter is REMANDED to the Agency based on the discussion above.

Officially approved final version.

JUL 10 2010

Natasha Johnson

Director

