



State of New Jersey

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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 14225-19 J.D.

AGENCY DKT. NO. C753064007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he was not eligible for Work First New Jersey/ Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and therefore also ineligible for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 23, 2019, but adjourned at the request of the parties. On November 14, 2019, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 15, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency denied Petitioner EA benefits, contending that he had not provided sufficient proof of his paternity, legal custody or guardianship of the three minor children who reside with him, as required to establish WFNJ/TANF benefits eligibility. See Initial Decision at 3; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.2(a). Although Petitioner was unable to obtain the children's birth certificates because he could not afford the copy fee, the ALJ found that he had provided the Agency with other documentation sufficient to establish that he is indeed the biological father of the children on whose behalf he had applied for WFNJ/TANF and EA benefits. See Initial Decision at 4, 6. Specifically, the ALJ found that a "Civil Action Order" granting Petitioner temporary residential custody of the children, a child support "Consent Order," and three "Affidavit[s] of Denial of Paternity" executed by the husband of the children's mother, established that Petitioner is the biological father of the three children. *Id.* at 3-4, 6; see also Exhibit P-1. Further, the ALJ found Petitioner credible when he testified that he is the children's biological father, that his children have always resided with him, and that he supports them financially. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency improperly denied Petitioner EA benefits on the basis that he was not WFNJ/TANF eligible, and reversed the Agency's denial of EA benefits. *Id.* at 6; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-2.7, -6.2(a). I agree. The ALJ also concluded that the Agency should process Petitioner's applications for WFNJ/TANF and EA benefits and to provide Petitioner with EA benefits in a form it determines appropriate. See Initial Decision at 6. I also agree, and direct the Agency to process said applications, on an expedited basis.



No Exceptions to the Initial Decision were received.

As the Director of the 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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Officially approved final version.

NOV 20 2019

Natasha Johnson

Assistant Commissioner

