



*State of New Jersey*

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*Governor*

**DEPARTMENT OF HUMAN SERVICES**  
**DIVISION OF FAMILY DEVELOPMENT**  
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TRENTON, NJ 08625-0716

**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 11683-18 M.T.

AGENCY DKT. NO. C191463004 (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 for the months of June, and July 2018, and the denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/TANF benefits contending that she failed to provide requested documentation required to determine her WFNJ/TANF benefits eligibility, and that a member of her assistance unit had failed to come into compliance following a prior sanction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The record reflects that on September 20, 2018, Petitioner withdrew her appeal and request for a fair hearing challenging the Agency's denial of EA benefits. See Initial Decision at 2. A hearing on Petitioner's appeal of the denial of WFNJ/TANF benefits was initially scheduled for October 4, 2018, but was adjourned to allow Petitioner the opportunity to provide the requested documentation. On November 29, 2018, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 13, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter to the Agency to reevaluate Petitioner for WFNJ/TANF benefits. Here, the ALJ found that Petitioner had provided the requested documents to the Agency, and the Agency acknowledged that Petitioner was qualified for WFNJ/TANF benefits for an assistance unit of five for the months of June, and July 2018. See Initial Decision at 2-3; see also Exhibit R-1, and N.J.A.C. 10:90-2.2(a)(5). However, the Agency contended that Petitioner, nevertheless, was ineligible for WFNJ/TANF benefits for those months because a member of her assistance unit had not come into compliance with a prior sanction incurred in 2015. See Initial Decision at 2, 4; see also Exhibits R-1, R-2. The ALJ found, and regulatory authority provides, "In an assistance unit with two adults, if one adult fails to cooperate with the program or participate in work activities without good cause, the cash assistance benefit provided to the assistance unit shall be reduced by the pro-rata share of the noncompliant adult for one month. If the adult fails to comply by the end of the one-month pro-rata sanction, the pro-rata reduction shall continue until the recipient demonstrates an intent to comply." N.J.A.C. 10:90-4.13(c).

Based on the foregoing, and the Agency's failure to inform Petitioner on how to cure the old sanction prior to its denial of WFNJ/TANF benefits to Petitioner, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner for the months of June and July 2018, was improper, and remanded the matter to the Agency to reevaluate Petitioner's application for WFNJ/TANF benefits. See Initial Decision at 3-5; see also Exhibit R-1, and N.J.A.C. 10:90-4.13(c), -4.18(e). I agree.

No Exceptions to the Initial Decision were received.



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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.

By way of comment, the transmittal in this matter indicates that Petitioner also appealed a denial of EA benefits, which was subsequently withdrawn by Petitioner. See Initial Decision at 2. However, based on the ALJ's conclusion discussed above, the Agency is directed to reevaluate Petitioner's eligibility for EA benefits in the form of back rent. Id. at 3, 5; see also N.J.A.C. 10:90-6.2(a) (providing that, only WFNJ cash assistance recipients and Supplemental Security Income recipients are eligible for EA benefits). Further, as Petitioner may be facing imminent eviction, the Agency is directed to reevaluate Petitioner's eligibility for said benefits on an expedited basis. See Initial Decision at 3. Petitioner is advised that should she again be denied WFNJ/TANF and/or EA benefits, that she may request another fair hearing on those matters.

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

Officially approved final version.

JAN 10 2019

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Natasha Johnson  
Director

