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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 03070-18 A.W.

AGENCY DKT. NO. C449492007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of his application for recertification of Supplemental Nutrition Assistance Program ("SNAP") benefits, and the sanctioning and resultant termination of his Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner's recertification for SNAP benefits contending that Petitioner failed to provide copies of requested necessary documentation, specifically a letter of support, and proof of his current address. The Agency sanctioned, and ultimately terminated, Petitioner's WFNJ/GA benefits contending that he failed to comply/cooperate with WFNJ program requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 28, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. The matter was continued to March 29, 2018, to allow Petitioner the opportunity to provide a copy of a receipt as proof of his SNAP recertification compliance. No such receipt was forthcoming, and the record closed on that date.

On April 12, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner visited the Agency's office to complete his recertification for SNAP benefits and was given a Request for Verification indicating that the Agency required documentation, including a letter of support from the person with whom he resides, and a current bill to provide proof of his current address. See Initial Decision at 2; see also Exhibit R-16. In addition, prior to the Agency's denial of SNAP benefits to Petitioner, a notice was sent to Petitioner reminding him of the required documents still needed. See Initial Decision at 2; see also Exhibit R-2. Petitioner testified that he had provided the requested documentation and that he had a receipt from the Agency as proof; however, although the ALJ continued the hearing to allow Petitioner the opportunity to provide such proof and have it admitted into evidence, no such receipt was presented. See Initial Decision at 2-3. Based on the record presented, the ALJ concluded that Petitioner had failed to provide the requested documentation and upheld the Agency's denial of Petitioner's SNAP recertification application. See Initial Decision at 2-3, 6; see also Exhibit R-1, and N.J.A.C. 10-87-2.22, -2.24. I agree.



The record also reflects that the Agency sanctioned, and ultimately terminated, Petitioner's WFNJ/GA benefits because he failed to comply with the mandatory requirements of the WFNJ program. See Initial Decision at 3-4; see also Exhibit R-1. Specifically, the ALJ found that, despite in person, as well as written, notices, Petitioner failed to appear for a required Test of Adult Education ("TABE") test, and also failed to appear at a pre-sanction appointment. See Initial Decision at 3-4; see also Exhibits R-6, R-7, and R-8. Moreover, the ALJ did not find Petitioner credible when he testified that he had decided not to take the TABE test, for the second time, because some unnamed person from the Agency had purportedly told him that he only had to take the test once a year. See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with the mandatory requirements and conditions of the WFNJ program, and that the Agency's sanctioning, and termination, of his WFNJ/GA benefits was proper and must stand. See Initial Decision at 5-6; see also Exhibit R-1, and N.J.A.C. 10:90-2.2, -4.13. I agree.

No Exceptions to this Initial Decision were filed.

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 decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED.

APR 23 2018

Officially approved final version.

Natasha Johnson
Director

