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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

FINAL DECISION

OAL DKT. NO. HPW 10016-18 D.G.

AGENCY DKT. NO. C042064018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the correctness of Respondent Agency's reduction of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency reduced Petitioner's household SNAP benefits based on Petitioner's son's unearned income alone because Petitioner was removed from the SNAP household for failing to comply with the SNAP work activity requirement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for August 14, 2018, but was adjourned at the Agency's request. On August 21, 2018, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 29, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency removed Petitioner from the SNAP household, resulting in a reduction of the household's SNAP benefits, contending that the job training program that Petitioner was participating in was not State approved, and did not exempt her from the SNAP work requirement, and therefore, Petitioner was not in compliance with the thirty-hour per week work activity requirement. See Initial Decision at 2-3; see also N.J.A.C. 10:87-10.1, -10.2(b)(3). However, the ALJ found that the program that Petitioner is participating in had been approved by the Agency for an exemption from the SNAP work activity during prior recertifications for SNAP benefits eligibility, and that the Agency failed to provide sufficient evidence as to why the program was no longer sufficient for an exemption. See Initial Decision at 5. Specifically, the ALJ found that the Agency's testimony to a phone conversation with Petitioner's therapist, who indicated that the program "was not approved by the State," was an out of court statement offered for the truth of the matter asserted, and not corroborated by competent evidence in the record. *Ibid.*; see also N.J.A.C. 1:1-15.5. Moreover, the ALJ found that the Agency should have given Petitioner the opportunity to comply with a work requirement prior to removing her from the SNAP household. See Initial Decision at 5. Further, the record reflects that the Agency has since added Petitioner back into the SNAP household and has afforded Petitioner the opportunity to come into compliance with the SNAP work requirement. *Id.* at 3, 5-6; see also Exhibit P-5 at 1.

Based on the foregoing, the ALJ concluded that the Agency's removal of Petitioner from the SNAP household, and the reduction of her monthly SNAP benefits, were improper and must be reversed. See Initial Decision at 5-6. However, the ALJ opined that the Agency is not prejudiced by this ruling from taking available actions regarding Petitioner's SNAP benefits eligibility, should it clearly determine that she is not in compliance with her work registration requirements, or if her recent enrollment at a university, has an impact on her eligibility criteria. *Id.* at 6. I agree.

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.

Natasha Johnson

Director

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