



State of New Jersey

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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

AMENDED DECISION

OAL DKT. NO. HPW 06435-19 B.W.

AGENCY DKT. NO. S618382012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

On July 9, 2019, a Final Agency Decision ("FAD") was issued in this matter. On July 10, 2019, Exceptions to the Initial Decision were submitted to the Division of Family Development, Bureau of Administrative Review and Appeals, on behalf of the Agency. This Amended Decision is hereby issued to acknowledge receipt of those Exceptions.

Petitioner appeals from the Respondent Agency's May 5, 2019, termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits, its June 1, 2019, termination of Supplemental Nutrition Assistance Program ("SNAP") benefits, and its termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending he failed to comply with his EA service plan ("SP"); terminated Petitioner's SNAP benefits, contending that he was over the maximum income eligibility level for said benefits; and terminated Petitioner's WFNJ/GA benefits because Petitioner failed to verify his last day of work and last gross pay. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Petitioner's cases, under OAL Docket Numbers HPW 06935-19 and HPW 06435-19, respectively, were consolidated by motion of the court, and without objection of the parties. On June 7, 2019, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow the parties to submit additional documentation, and then closed on June 24, 2019. On June 27, 2019, the ALJ issued an Initial Decision, reversing the Agency's determinations.

Exceptions to the Initial Decision were received from the Agency on July 10, 2019.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determinations.

Here, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had failed to comply with his SP by failing to attend a scheduled meeting with the Agency, as required pursuant to the SP that Petitioner had executed. See Initial Decision at 4; see also Exhibits R-4, R-7, and N.J.A.C. 10:90-6.6(a). However, the ALJ found, and the record



substantiates, that Petitioner had good cause for failing to attend that meeting due to certain medical issues. See Initial Decision at 4, 7, and 9; see also Exhibits P-1, P-2. Accordingly, the ALJ concluded that Petitioner is eligible for EA benefits, and that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 9; see also Exhibit R-7, and N.J.A.C. 10:90-6.6(a). I agree.

Also, the Agency terminated Petitioner's SNAP benefits, contending that Petitioner had monthly employment income, in the amount of \$2,188, which put him over the maximum income eligibility level for receipt of SNAP benefits, for a household of one. See Initial Decision at 6; see also Exhibit R-10, and N.J.A.C. 10:87-6.16(d)(2), -12.4, and DFDI Instruction ("DFDI") No. 18-09-01 at 16. Petitioner claimed that he had only worked in the month of April 2019, that he left that job due to a knee injury, and that he had only been earning \$235.80 per week. See Initial Decision at 6. Although neither party produced proof of Petitioner's monthly income, or the date upon which Petitioner had left his employment, based upon the one paystub provided by Petitioner in the amount of \$235.80, for the week ending April 7, 2019, the ALJ found that Petitioner's monthly income was less than the SNAP eligibility cutoff of \$1,872. See Initial Decision at 6; see also Exhibit P-4 at 2-3, and N.J.A.C. 10:87-12.4, and DFDI No. 18-09-01 at 6. Accordingly, the ALJ concluded that Petitioner is eligible for SNAP benefits, and that the termination of Petitioner's SNAP benefits must be reversed. See Initial Decision at 11; see also Exhibit R-10. I also agree.

Finally, it appears from the record that Petitioner's WFNJ/GA benefits case was closed, and his benefits terminated, because the Agency had determined that his income exceeded the maximum allowable benefit level for such benefits, and that he had failed to provide the Agency with verification of his last date of employment. See Initial Decision at 5; see also Exhibits R-1, R-2. Based on the testimony and evidence presented, the ALJ found that Petitioner is currently unemployed, that he was unable to continue his employment due to a knee injury, and that the Agency had not properly noticed Petitioner of the termination of his WFNJ/GA benefits, as required pursuant to regulatory authority. See Initial Decision at 5, 7-8, 9-10; see also Exhibits P-4, R-1, R-2, and N.J.A.C. 10:90-9.1. Accordingly, the ALJ concluded that Petitioner is eligible for WFNJ/GA benefits, and that the Agency's termination of those benefits was improper and must be reversed. See Initial Decision at 11. I also agree.

By way of comment, Exceptions to an Initial Decision "must be received by DFD no later than seven days after the Initial Decision was mailed to the parties." See N.J.A.C. 1:10-18.2 (emphasis added). Page 12 of the Initial Decision in this matter reflects that the Initial Decision was mailed to the parties on June 28, 2019. Therefore, Exceptions would need to be submitted by either party no later than July 5, 2019.

By way of further comment, I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ. See N.J.A.C. 1:1-18.4(c) (stating that "Evidence not presented at the hearing shall not be submitted as part of an exception, nor shall it be incorporated or referred to within exceptions.")

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

Officially approved final version. *JUL 15 2019*

Natasha Johnson
Director

