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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 **10636-19 L.G.**

AGENCY DKT. NO. **C649273007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's sanctioning of Supplemental Nutrition Assistance Program ("SNAP") and Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency sanctioned Petitioner's SNAP and WFNJ/GA benefits, contending that he failed to comply with the mandatory WFNJ work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 19, 2019, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that same date, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, as discussed below.

Pursuant to N.J.A.C. 10:87-10.16(a), if the Agency determines that an individual has failed to comply with their New Jersey SNAP Employment and Training Program ("SNAP ETP") work requirement, without good cause, the individual is rendered ineligible to participate in the SNAP program, and is treated as an ineligible household member in accordance with N.J.A.C. 10:87-7.7. A first violation "results in a disqualification of either one month or until the individual complies with the work registration or SNAP ETP requirement, which he or she failed to perform, whichever is later." N.J.A.C. 10:87-10.16(a)(1). A second violation "results in a disqualification of either three months, or until the individual complies with the work registration." See N.J.A.C. 10:87-10.16(a)(2).

In order to maintain eligibility for receipt of WFNJ benefits, a recipient must cooperate with, and participate in, the WFNJ work activity requirements. See N.J.A.C. 10:90-2.2(a)(2), -4.1(d). If a WFNJ benefits recipient fails to comply with their work activities without good cause, the recipient is subject to a sanction resulting in a pro-rata reduction of WFNJ benefits for the first month. See N.J.A.C. 10:90-4.13(b). Thereafter, if the WFNJ benefits recipient is still non-compliant, without good cause, the WFNJ benefits will be suspended for one month. See N.J.A.C. 10:90-4.13(b)(1). If the non-compliance

continues, the recipient's case will close the month after the suspension of WFNJ benefits. See N.J.A.C. 10:90-4.13(b)(2).

Here, the ALJ found that Petitioner had failed to comply with the required WFNJ work activity, without good cause. See Initial Decision at 3; see also Exhibit R-1 at 1-2. Specifically, although Petitioner claimed that he was medically exempt from participating in any required work activity, the ALJ found that the MED-1 form that Petitioner had provided clearly indicated that he was able to participate in occupational training. See Initial Decision at 2-3; see also Exhibit R-1 at 4. The record also reflects that this is Petitioner's second sanction for failing to comply with the WFNJ work activity. See Initial Decision at 2; see also Exhibit R-1 at 5. Based on the foregoing, the ALJ affirmed the Agency's suspension of Petitioner's SNAP and WFNJ/GA benefits from August 1 to November 1, 2019. See Initial Decision at 3. I agree with the ALJ's conclusion that the Agency's suspension of Petitioner's SNAP and WFNJ/GA benefits was proper. Ibid. However, in accordance with regulatory authority, I find that the disqualification of Petitioner from receipt of SNAP benefits shall continue until such time as Petitioner comes into compliance with his work activity, and that Petitioner's WFNJ/GA benefits case shall close the month after the suspension of his WFNJ/GA benefits, if his non-compliance continues. See N.J.A.C. 10:87-16(a)(2), N.J.A.C. 10:90-4.13(b)(2). The Initial Decision is modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version. AUG 28 2019

Natasha Johnson
Director