



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 13359-19 M.P.

AGENCY DKT. NO. C050818006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's Imposition of a three-month disqualification period of ineligibility from Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency imposed a three-month period of ineligibility for SNAP benefits, due to Petitioner's failure to attend a required SNAP work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 9, 2019, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. The record was held open for 10 days to allow the parties to submit additional documentation. On October 9, 2019, the Agency submitted a copy of the customer comments that the Agency representative referred to during his testimony. Petitioner did not submit any documents, and did not request an extension to do so within the 10-day period. The record then closed on October 19, 2019. On October 30, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

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 his SNAP ETP work requirement, 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 second violation "results in a disqualification of either three months, or until the individual complies with the work registration of NJ SNAP ETP requirement, which he or she failed to perform, whichever is later." N.J.A.C. 10:87-10.16(a)(2) (emphasis added).

Here, the record reflects that Petitioner, a SNAP benefits recipient, is an able-bodied adult with no dependents, who is not exempt from the SNAP work registration requirement. See Initial Decision at 2; see also N.J.A.C. 10:87-10.1. On June 3, 2019, Petitioner enrolled in a six-month work activity for which he was scheduled to attend on Mondays, from 9:00am through 2:30pm. See Initial Decision at 2-3; see



also Exhibit R-1 at 13. On that same date, Petitioner was provided with the contact information for his site contact person, and his Agency counselor. Ibid. On June 27, 2019, Petitioner did not appear at his work activity, despite being provided paid transportation to the work activity. Ibid.; see also Exhibit R-1 at 12, 18. Petitioner testified that he went to the work site, there was a "CLOSED" sign on the door, and that he left and never returned. See Initial Decision at 3. Petitioner further testified that he never called his site contact person or his Agency counselor. Ibid.

The ALJ found that Petitioner's failure to notify either his site manager, or his counselor, when he arrived at the closed work site was unreasonable, and did not demonstrate good cause for his non-compliance with his work activity. See Initial Decision at 4-5; and N.J.A.C. 10:87-10.1, -10.4, -10.18. Accordingly, the ALJ concluded that the Agency's imposition of a three-month disqualification penalty from SNAP benefits was appropriate and must stand. See Initial Decision at 6; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:87-10.16(a)(2)

While I agree with the ALJ's final conclusion in this matter, the Initial Decision further states that Petitioner is eligible to reapply for SNAP benefits after he has served the three-month disqualification period from receipt of SNAP benefits. See Initial Decision at 6. However, in accordance with applicable regulatory authority, before Petitioner may become eligible for SNAP benefits, whether in 3 months or more than 3 months, whichever is later, Petitioner must first comply with the SNAP work activity requirement, which he had previously failed to perform. See N.J.A.C. 10:87-10.16(a)(2). The Initial Decision is modified to reflect these findings.

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

Officially approved final version.

NOV 13 2019

Natasha Johnson
Assistant Commissioner

