



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

AMENDED DECISION

OAL DKT. NO. HPW 01374-20 R.J.

AGENCY DKT. NO. C036390019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

A Final Agency Decision ("FAD") was issued in this matter on March 20, 2020. This Amended FAD is being issued to recognize receipt of Exceptions filed by Respondent, and received by this office on March 23, 2020.

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits and Supplemental Nutrition Assistance Program ("SNAP") benefits, and the Agency's imposition of a 90-day disqualification penalty from receipt of WFNJ/GA benefits. The Agency denied Petitioner's application for WFNJ/GA benefits, and imposed a 90-day disqualification penalty from receipt of WFNJ/GA benefits, as it contended that Petitioner voluntarily quit his job. The Agency also denied Petitioner's application for SNAP benefits due to Petitioner's failure to maintain a separate household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. At the time of the transmission, only the WFNJ/GA denial was in controversy, as the Agency had denied Petitioner's application for WFNJ/GA benefits on January 16, 2020. Thereafter, on February 13, 2020, the Agency denied Petitioner's application for SNAP benefits. On March 3, 2020, the parties sought resolution of both controversies; accordingly, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On March 17, 2020, the ALJ issued an Initial Decision, affirming the Agency's denial of SNAP and WFNJ/GA benefits. Here, the record reflects that on January 13, 2020, Petitioner applied for WFNJ/GA and SNAP benefits. See Initial Decision at 2; see also Exhibit R-2. On January 16, 2020, the Agency denied Petitioner's application for WFNJ/GA benefits. See Initial Decision at 1; see also Exhibit R-6, and N.J.A.C. 10:90-4.14. Additionally, because the Agency determined that Petitioner voluntarily quit his job, without good cause, it imposed a 90-day disqualification period from the receipt of WFNJ/GA benefits. See Initial Decision at 6; see also Exhibit R-6, and N.J.A.C. 10:90-1.15. The ALJ found, and the record substantiates, that Petitioner voluntarily quit his employment, without good cause. See Initial Decision 5-7; see also Exhibits P-5, R-6, R-8, and N.J.A.C. 10:90-4.14(a), (c). The ALJ further found that Petitioner's job misconduct, specifically, taking the company truck without permission, and using it



for his own purposes, prevented his continued employment, and provided sufficient reasoning for the Agency to deny Petitioner WFNJ/GA benefits, on the basis that Petitioner voluntarily quit his job, without good cause. See Initial Decision at 6, 7; see also N.J.A.C. 10:90-4.14(b). Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 13, 14; see also Exhibit R-6, and N.J.A.C. 10:90-1.15, -4.14. I agree.

Additionally, based upon my independent review of the record, because the ALJ concluded that Petitioner voluntarily quit his job, without good cause, I hereby affirm the Agency's imposition of a 90-day disqualification period upon Petitioner from receipt of WFNJ/GA benefits. See Initial Decision at 13; see also Exhibit R-6, and N.J.A.C. 10:90-1.15, -4.14. This disqualification period begins January 8, 2020, the date of quit, through April 7, 2020. See N.J.A.C. 10:90-1.15.

In his application for WFNJ/GA and SNAP benefits, Petitioner listed S.P. as his authorized representative, and that S.P. shares the same address as Petitioner, but is not a member of the household. See Initial Decision at 3; see also Exhibit R-2 at 1, 3; see also N.J.A.C. 10:87-2.2(a). Notably, in October, 2017, Petitioner previously applied for WFNJ/GA and SNAP benefits, and had listed S.P. as his fiancée, and that she had lived with him. See Initial Decision at 2; see also Exhibit R-12. Accordingly, on February 13, 2020, the Agency denied Petitioner's application for SNAP benefits, for failing to maintain a separate household. See Exhibit R-6, and N.J.A.C. 10:87-2.2. At the fair hearing, Petitioner submitted a letter from S.P., indicating that she "roomed" in Petitioner's apartment, that she and Petitioner did not support each other financially, and that she made sure that Petitioner takes his medications and continues his outpatient treatment. See Initial Decision at 3; see also Exhibit R-9. The ALJ found that the documents and testimony demonstrate that R.J. and S.P. are functioning as one household, for the purposes of determining eligibility for SNAP benefits. See Initial Decision at 5; see also N.J.A.C. 10:87-2.2(a)(3). The ALJ further found that Petitioner has not produced any evidence, such as receipts for separate food bills, to demonstrate that Petitioner and S.P. do not share their meals, and are, in fact, a separate household. See Initial Decision at 5; see also N.J.A.C. 10:87-2.19. Based upon this information, the ALJ concluded that Agency acted properly when it denied SNAP benefits to Petitioner. See Initial Decision at 13; see also Exhibit R-12, and N.J.A.C. 10:87-2.2(a), (c). I also agree.

Exceptions to the Initial Decision were filed by Respondent on March 23, 2020.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision. Following an independent evaluation of the record, I concur with the ALJ's decision in this matter and I hereby adopt the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

By way of comment, Petitioner is advised that, in accordance with applicable regulatory authority, in cases involving SNAP benefits, a fair hearing, Initial Decision, and Final Agency Decision are all to be completed within 60 days from the receipt of an individual's request for a fair hearing. See 7 C.F.R. § 273.15(c)(1). Additionally, it should be noted that only one adjournment of no more than 30 days is permitted in SNAP cases. See N.J.A.C. 1:10-9.1(a), (b), N.J.A.C. 10:87-8.6(a)(4)(i) and 7 C.F.R. 273.15(c)(4). When an adjournment is given, the due date for full completion of the case, including issuance of the Final Agency Decision, is extended by the number of days that the fair hearing was adjourned, but not to exceed 30 days. *Ibid.* In the present case, the fair hearing was requested by Petitioner on January 21, 2020. There were no adjournments in this case. Therefore, the due date for full completion of this matter was March 20, 2020, and this office issued the Final Agency Decision on the due date March 20, 2020, to ensure regulatory compliance and timeliness.

Also by way of comment, I have reviewed the Exceptions submitted by Respondent, and I find that the arguments made therein do not alter my decision in this matter.



By way of further comment, Petitioner is without prejudice to reapply for SNAP benefits should his circumstances change.

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

APR - 6 2020

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

