



State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716  
TRENTON, NJ 08625-0716

SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 11078-20 O.S.

AGENCY DKT. NO. C121012006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had exhausted her lifetime limit of EA benefits and did not qualify for an extension of such benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 6, 2021, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow for a review of the documents submitted by Petitioner, and the record then closed on January 13, 2021.

On February 1, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had received 18 months of EA benefits between 2011 and 2013, and that none of those EA benefits months were provided under the extreme hardship extension criteria set forth at N.J.A.C. 10:90-6.4. See Initial Decision at 2; see also Exhibit R-1 at 6. Of note, the record also indicates that none of the EA benefits provided to Petitioner fell under any EA pilot program. See Exhibit R-1 at 6. The ALJ also found that Petitioner is not a Supplemental Security Income ("SSI") benefits recipient; that she had not provided the Agency with a MED-1 form indicating a 12-month disability; that her participation in WFNJ work activities, as well as her master's degree, exhibited an ability to work; and that she had been assessed by the Agency's domestic violence ("DV") unit, and it had been determined that she is not at risk for DV. See Initial Decision at 2, 5; see also Exhibit R-1 at 30. Further, the ALJ found that Petitioner had failed to present any evidence to substantiate her claim that she is chronically unemployable. See Initial Decision at 2-3, 5; see also Exhibit P-1 at A2. Based on the foregoing, the ALJ concluded that Petitioner was ineligible for an extreme hardship extension of EA benefits, and therefore, also ineligible for EA benefits in accordance with N.J. Stat., Section 44:10-51. See Initial Decision at 3-5. Accordingly, the ALJ concluded that the Agency's denial of an extreme hardship extension of EA benefits to Petitioner was proper and must stand. *Id.* at 5; see also Exhibit R-1 at 12-16, and N.J.A.C. 10:90-6.4, N.J. Stat. Section 44:10-51. I agree.

Exceptions to the Initial Decision were filed by Petitioner on February 17, 2021.



As Assistant Commissioner, 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.

By way of comment, based on an independent review of the record, I also find that Petitioner is ineligible for an extension of EA benefits pursuant to State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), which extends EA benefits eligibility for certain categories of individuals.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. APR - 1 2021

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

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*Governor*

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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 11161-20 R.E.

AGENCY DKT. NO. C339379007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA"), benefits, specifically for the months of July and August, 2020. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for February 1, 2021, but was adjourned at the request of the Agency. The matter was rescheduled, and on February 5, 2021, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for submission of a written summation on behalf of Petitioner, which was received on February 26, 2021, and the record then closed. On March 9, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination and directing the Agency to pay Petitioner's rent for July and August, 2020, minus Petitioner's required share.

This office has been advised that the Agency is rescinding its denial of EA benefits to Petitioner, for EA benefits in the form of rent for the months of July and August, 2020. Therefore, as Assistant Commissioner, Division of Family Development, Department of Human Services, I hereby ORDER and DIRECT the Agency to pay Petitioner's rent, for July and August, 2020, minus Petitioner's required share. Further, I find that this matter has now been rendered moot, and therefore DISMISS Petitioner's appeal.

By way of comment, the transmittal in this matter indicates that Petitioner was also contesting a termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. However, during the hearing before the ALJ, Petitioner stated, and confirmed, that she is not disputing said termination of WFNJ/GA benefits, and as such, that issue is not addressed in the Final Agency Decision.

Accordingly, Petitioner's appeal now being deemed moot, the matter is hereby DISMISSED.



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Natasha Johnson  
Assistant Commissioner





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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 10995-20 D.S.

AGENCY DKT. NO. C006924018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that her monthly income exceeds her monthly housing costs, and because she is no longer a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 2, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 9, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, based on the discussion below.

N.J.A.C. 10:90-6.2(a) provides that only Work First New Jersey ("WFNJ") cash recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits.

Here, the record reflects, and Petitioner acknowledged, that she receives \$348 per month in Retirement, Survivors, and Disability Insurance ("RSDI") benefits, and \$1,001 a month in Unemployment Insurance Benefits ("UIB"), totaling \$1,349 in monthly household income. See Initial Decision at 2; see also Exhibit R-1 at 9-15, 16. The record also reflects that Petitioner's monthly rent is \$1,100. See Exhibit R-1 at 1, 9. Based on the foregoing, the ALJ found that Petitioner's monthly income exceeds her monthly housing costs, and as such, she is ineligible for EA benefits. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.1(a)(1). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3; see also Exhibit R-1 at 2-6. I agree.

Additionally, the record reflects that the Agency also terminated Petitioner's EA benefits because she is not a Work First New Jersey ("WFNJ") benefits recipient, and she is no longer a Supplemental Security Income ("SSI") benefits recipient, due to her receipt of UIB. See Exhibit R-1 at 2-6. Based on an independent review of the record, I find that Petitioner is not a WFNJ benefits recipient and is no longer



an SSI benefits recipient, and as such, she is ineligible for EA benefits. See Exhibit R-1 at 17, 31-35, see also N.J.A.C. 10:90-6.2(a). Therefore, I find that the Agency's termination of Petitioner's EA benefits, on that basis, was proper and must stand. See Exhibit R-1 at 2-6. The Initial Decision is modified to reflect this finding.

By way of comment, Petitioner may reapply for EA benefits at such time as her UIB ends.

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

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Natasha Johnson  
Assistant Commissioner





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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 02213-21 L.W.

AGENCY DKT. NO. C090663018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she refused appropriate shelter placement offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 8, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 9, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 AFFIRM the Agency's determination.

The Agency shall determine the most appropriate form of EA benefits, which may include shelter placement, that are "required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1).

Here, the record reflects that the Agency had initially referred Petitioner and her three children to Franklin House for temporary housing, but Petitioner failed to follow through with the intake process, and as such, Franklin House ("FH") declined Petitioner's housing application for failure to complete said intake. See Initial Decision at 2-3; see also R-1 at Exhibits 2, 3. Thereafter, the Agency again referred Petitioner to FH, but FH declined to extend housing to Petitioner. See Initial Decision at 3; see also R-1 at Exhibit 5. The Agency then offered Petitioner shelter placement, but she refused such placement, claiming that she had been assaulted at a previous shelter, and that the shelter was too far away from her children's schools. See Initial Decision at 2-3; see also R-1 at Exhibit 5. However, the record reflects that Petitioner failed to substantiate her claim of assault, and that her children were attending school remotely. See Initial Decision at 2-3. Based on the foregoing, the ALJ concluded that Petitioner had refused appropriate shelter placement, without good cause, and therefore, concluded that the Agency's



termination of Petitioner's EA benefits was proper and must stand. Id. at 3-4; see also R-1 at Exhibit 6, and N.J.A.C. 10:90-6.1(c)(3), -6.3(a)(1), and DFD Instruction 21-02-03. I agree.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

By way of further comment, as the record indicates that Petitioner may have an open case with the Division of Child Protection and Permanency ("DCP&P"), a copy of the Initial and Final Agency Decisions shall be forwarded to DCP&P.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. APR - 1 2021

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Natasha Johnson  
Assistant Commissioner







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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

AMENDED DECISION

OAL DKT. NO. HPW 00189-21 C.P.

AGENCY DKT. NO. C093754015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

A Final Agency Decision ("FAD") was issued in this matter on March 4, 2021. This Amended FAD is being issued to recognize receipt of Exceptions filed by Petitioner, and received by this office on March 19, 2021.

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits contending that Petitioner's countable household income exceeded the maximum permissible level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On February 18, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on March 19, 2021.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED.

Regulatory authority applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits for both adults and children in the household. See N.J.A.C. 10:87-5.5(a)(2).

In accordance with N.J.A.C. 10:87-6.16(b)(1), households which contain an elderly or permanently disabled individual, as defined by N.J.A.C. 10:87-2.34, must meet the net income test for SNAP eligibility. N.J.A.C. 10:87-6.16(d)(2), states that households that do not contain an elderly or permanently disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4.



Gross income is determined by adding together the household's monthly earned and unearned income, minus any earned income exclusions. See N.J.A.C. 10:87-6.16(b), (b)(1). That total gross income amount is then utilized to determine a household's SNAP eligibility in accordance with N.J.A.C. 10:87-6.16(d)(1) and (2).

Here, an independent review of the record reflects that Petitioner's SNAP household is comprised of ten people, including Petitioner, his wife and eight children. See Initial Decision at 2; see also Exhibit R-9. The record further shows that four of Petitioner's children receive Retirement, Survivors and Disability Insurance ("RSDI") benefits totaling amount \$4592 per month. See Exhibit R-13. Petitioner also receives earned income from the Personal Preference Program ("PPP") of \$747. See Exhibit R-12; see also Initial Decision at 2. While Petitioner asserted that that income should be excluded from SNAP eligibility calculations, the ALJ determined that such was not the case, as Petitioner himself is not the care recipient, rather his children are, and Petitioner receives the income as the hired care provider. See Initial Decision at 3, 5-6. After applying of a standard deduction of \$243 for a household of more than six persons, a medical deduction of \$387, and including \$1,630 shelter expense, and the Heating or Cooling Standard Utility Allowance ("HCSUA") of \$548, Petitioner's monthly SNAP net income was calculated to be \$6,340. See Exhibit R-12; see also DFDI Instruction ("DFDI") 20-09-04 at 11. For SNAP benefits eligibility, the maximum net income level for a household of ten persons is \$4,425. See DFDI 20-09-04 at 12. As Petitioner's calculated net income of \$6,340 exceeds the maximum income eligibility amount of \$4,425, Petitioner is not eligible for SNAP benefits. Ibid. As such, I agree with the ALJ's final conclusion in this matter that the Agency's denial of SNAP benefits to Petitioner was proper and must be affirmed. See Initial Decision at 6; see also Exhibit R-1.

By way of comment, Petitioner included documents with his Exceptions which were not introduced before the ALJ at the hearing. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ. Moreover, I have reviewed the Exceptions filed by Petitioner in this matter and I note that the arguments therein do not alter my decision in this matter, as treatment of income for SNAP purposes, and for income tax purposes, may differ, due to the relevant and separate applicable regulatory authority, as outlined above.

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

Officially approved final version.

APR - 6 2021

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Natasha Johnson  
Assistant Commissioner





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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

REMAND DECISION

OAL DKT. NO. HPW 09801-20 H.H.

AGENCY DKT. NO. C140563001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's denial of her application for Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits because the Agency was unable to locate Petitioner, or verify her residence. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for December 22, 2020, but was adjourned so that Petitioner could retain legal counsel. The matter was rescheduled for January 8, 2021, which date was also adjourned due to an unexpected emergency with Petitioner's legal counsel. Thereafter, on February 26, 2021, the Honorable Kathleen M. Calemmo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for submission of additional documentation, and after receipt of same, the record then closed on March 1, 2021.

On March 4, 2021, the ALJ issued an Initial Decision, reversing the Agency's denial of SNAP benefits and remanding the matter to the Agency to process Petitioner's SNAP benefits application. Here, the record reveals that Petitioner applied online for SNAP benefits on June 11, 2020. See Initial Decision at 2. The record further reflects that the Agency attempted to contact Petitioner, at the telephone number listed on Petitioner's SNAP application, on three separate occasions with no success, and as a result, the Agency denied Petitioner's SNAP benefits application on September 1, 2020. See Initial Decision at 3, 5; see also Exhibit R-2. However, at the hearing, it was determined that inadvertently, Petitioner had provided an incorrect telephone on her SNAP benefits application. Ibid. The ALJ in this matter noted that since the onset of the COVID-19 pandemic, in-person interviews for SNAP benefits had been suspended, however, verification of pertinent information was nonetheless required for receipt of benefits. See Initial Decision at 5. As a result, if requisite information could not be obtained over the telephone with a perspective SNAP benefits recipient, the Agency was to send a "Request for Contact" form for clarification. Ibid.; see also Division of Family Development Instruction ("DFDI") 21-02-05 at 5. The ALJ in this matter found that, after unsuccessful attempts to contact Petitioner by telephone, the Agency had not sent a Request for Contact to Petitioner, but rather, had denied Petitioner's SNAP benefits application. See Initial Decision at 5-6. Therefore, the ALJ found that proper procedure had not been followed, and as such, the ALJ remanded the matter to the Agency, to process Petitioner's



June 11, 2020, SNAP benefits application, in accordance with the revised procedure in place since the onset of the COVID-19 pandemic. Id. at 6; see also DFDI 21-02-05. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

By way of comment, in the event that, on remand, Petitioner's June 11, 2020, SNAP benefits application is denied, Petitioner may request another fair hearing on that denial.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's denial of Petitioner's June 11, 2020, SNAP benefits application is REVERSED, and the matter is REMANDED to the Agency for action, as outlined above.

Officially approved final version.

APR - 6 2021

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Natasha Johnson  
Assistant Commissioner





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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 02828-21 S.D.

AGENCY DKT. NO. S619859012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she violated motel rules, which resulted in her removal from said motel placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 29, 2021, the Honorable Kathleen M. Calemmo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 30, 2021, the ALJ issued an Initial Decision, affirming the Agency's termination of Petitioner's EA benefits, and reversing the Agency's imposition of a six-month EA ineligibility penalty. Here, on the bases of "Hotel Incident Report Forms," and photographs, submitted by the Agency's Inspector, and a letter from hotel management, the Agency terminated Petitioner's EA benefits, contending that she had violated hotel rules by having an unauthorized male residing in her room, and for cooking in her room on a hotplate. See Initial Decision at 2-3; see also Exhibits R-7, R-8, R-10, R-11, R-12, and N.J.A.C. 10:90-6.3(c)(5), (e)(1)(iii). Petitioner disputed the hotel violation allegations. See Initial Decision at 3. Concerning the hotel violation regarding an unauthorized male residing in Petitioner's room, the ALJ found that no one from the hotel, nor anyone from the Agency with direct knowledge of the incident, was present at the hearing to attest to the truth of that claim. Id. at 4-5. Further, the ALJ found that the hotel communication, and the Investigators' communications, were hearsay within the dictates of the Residuum Rule, not supported by credible evidence in the record. Id. at 5-6; see also N.J.A.C. 1:1-15.5. As such, the ALJ concluded that the Agency had failed to meet its burden of proof to show by a preponderance of the evidence that Petitioner had violate hotel rules by having an unauthorized male residing in her hotel room. See Initial Decision at 5-6. Concerning the hotel violation regarding Petitioner cooking in her hotel room, the ALJ found that the Inspector's "Hotel Incident Reports," although hearsay within the dictates of the Residuum Rule, were nonetheless supported by corroborating, credible photographic evidence submitted into the record. Id. at 5; see also Exhibit R-12. Accordingly, the ALJ found that the Agency had proven, by a preponderance of the evidence, that Petitioner had violated hotel safety policies by cooking in her hotel room. See Initial Decision at 5. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's



EA benefits, on the basis that she had violated hotel rules by using a hotplate in her hotel room, was proper and must stand. Id. at 6; see also Exhibit R-14. I agree.

Additionally, the ALJ concluded, and the Agency concurred, that Petitioner's mental health issues, her two young children, and Division of Child Protection and Permanency's ("DCP&P") involvement, may have prevented her from complying with EA benefits requirement, and therefore, no six-month EA ineligibility penalty shall be imposed. See Initial Decision at 6; see also N.J.A.C. 10:90-6.3(i)(1). Further, the ALJ concluded, and the Agency concurred, that Petitioner may reapply for EA benefits, and that EA benefits eligibility shall be premised upon coordination with DCP&P and Petitioner's compliance with the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI"). See Initial Decision at 3, 5. I also agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

By way of comment, Petitioner is advised that any future hotel/motel/shelter rule violation, without good cause, may result in a termination of his EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(c), (e).

By way of further comment, because the record indicates that Petitioner has an open case with the DCP&P, a copy of the Initial and Final Agency Decisions shall be forwarded to DCP&P. See Initial Decision at 3.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED in part, and REVERSED in part, as outlined above.

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Officially approved final version.

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Natasha Johnson  
Assistant Commissioner





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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 00949-21 L.P.

AGENCY DKT. NO. S624350012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between February, 2017, and June, 2017, in the county where Petitioner previously resided. The Agency asserts that Petitioner's household received SNAP benefits to which it was not entitled, resulting in an overissuance of benefits which must be recouped. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On March 16, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 29, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87- 1.1(a). In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. One type of overpayment which is subject to recoupment is one which results from "a misunderstanding or unintended error on the part of the household" receiving benefits, called an "Inadvertent Household Error" ("IHE"). See N.J.A.C. 10:87-11.20(e)(2). Repayment of overissuances may be sought for amounts going back six years prior to the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, an independent review of the record reflects that Petitioner began receiving SNAP benefits on January 11, 2017, and received a partial month benefits payment for that month. See Exhibit R-7 at 3. The record further reflects that, at that time, Petitioner was receiving monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits in the amount of \$1,758, which Petitioner failed to disclose to the Agency in the county where she was residing at that time. See Initial Decision at 2; see also Exhibit



R-6. Based upon this omission, Petitioner received monthly SNAP benefits in the amount of \$194 for February, 2017, through June, 2017, when she was only entitled to \$16 in monthly SNAP benefits for those months, resulting in an overpayment totaling \$890. See Initial Decision at 2; see also Exhibits R-3, R-7, R-10. The claim balance of \$878.26 was transferred to the Agency in this matter based on Petitioner's current address of residence. See Initial Decision at 2; see also Exhibit R-4. Petitioner does not deny that she had received an overissuance, but claims that she reported her RSDI unearned income to the Agency when she applied for benefits. See Initial Decision at 2. The ALJ in this matter found that the evidence presented substantiated that Petitioner had received an overissuance to which she was not entitled, in the amount of \$878.26, between February, 2017, and June, 2017, and must now be repaid. See Initial Decision at 5; see also Exhibit R-3 and N.J.A.C. 10:87-11.20(e)(2). I agree. As such, I direct that the Agency proceed to recoup the overissuance.

I ORDER and direct the Agency to proceed to recoup the overissuance.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED, as outlined above.

APR - 8 2021

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner







## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Acting 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 01648-21 D.S.

AGENCY DKT. NO. C030866005 (CAPE MAY COUNTY WELFARE BOARD)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") programs. The Agency asserts that Respondent failed to report a change in household composition while he was receiving SNAP, WFNJ/TANF, and EA benefits, thus causing Respondent to receive overissuances of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalties, via certified mail, return receipt requested, on December 24, 2020. See Exhibit P-1 at 44, 46, 47-48, 53-54, 55. Because Respondent failed to execute and return either waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. *Id.* at 49-50, 51-52. On March 11, 2021, the Honorable Dorothy Incarvito-Garrabrant, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. Respondent did not call in for the hearing, and the matter proceeded *ex parte* which is permissible in accordance with our regulatory scheme. See N.J.A.C. 1:10-14.1(d). On March 15, 2021, the Agency supplied additional evidence to clarify and supplement the calculations at issue, which was presented during the hearing.

On March 24, 2021, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP, WFNJ/TANF, and EA benefits to which he was not entitled. See Initial Decision at 6. Specifically, Respondent intentionally did not accurately report that his three children, with whom he shared with S.M, the children's biological mother, had resided with S.M. in North Carolina since June, 2020, which resulted in a change of household composition, and an overissuance of SNAP benefits to Respondent in the amount of \$1,856 for the period beginning August, 2020, through November, 2020, and an overissuance of WFNJ/TANF and EA benefits in the amounts of \$1,932 and \$4,373, respectively, for the period beginning August, 2020, through October, 2020. *Id.* at 5, 7; see also Exhibits P-2, P-3, P-4; and N.J.A.C. 10:87-5.2(a)(1), -9.5, and N.J.A.C. 10:90-3.21(a).



As this was the first IPV committed by Respondent, the ALJ ordered the mandatory regulatory penalty of a 12-month disqualification from receipt of SNAP benefits, pursuant to N.J.A.C. 10:87-11.2(a)(1). The ALJ also ordered a 12-month disqualification from receipt of WFNJ/TANF and EA benefits. See Initial Decision at 10. However, the disqualification penalty for a first IPV violation of the WFNJ program is six months. See N.J.A.C. 10:90-11.11(a)(1). Accordingly, because this is Respondent's first IPV of the WFNJ program, I am ordering a 6-month disqualification from the WFNJ program, pursuant to N.J.A.C. 10:90-11.11(a)(1). The Initial Decision is modified on this basis.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner of the Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following and independent evaluation of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

I direct that the Agency proceed to recoup the overissuances.

Accordingly, based upon the foregoing, the Initial Decision in this matter is MODIFIED based upon the discussion above, and I ORDER that Respondent is disqualified from receipt of SNAP benefits for a period of 12 months, and from receipt of WFNJ benefits for a period of six months. I further ORDER that the Agency is to recoup the overissuances.

APR - 8 2021

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
Acting 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 736-21 S.S.

AGENCY DKT. NO. C446681007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she owed more than three months of back rent, and failed to provide the Agency with the required documentation from her landlord forgiving all but three months of past due rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 25, 2021, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 3, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, based on the discussion below.

Here, the record reflects that, at the time Petitioner applied for EA benefits, she owed six months of past due rent for the months of May 2020, through October 2020. Consequently, the Agency denied Petitioner EA benefits, on the basis that regulatory authority does not permit payment of more than three months back rent, and that she had failed to provide the requested documentation indicating her landlord's willingness to forgive three of the six months of that back rent. See Initial Decision at 2; see also Exhibit R-1 at 1-7, 12, 13, 26-32, and N.J.A.C. 10:90-6.3(a)(5). At the time of the hearing, Petitioner owed 11 months of past due rent, and still had not provided the Agency with a letter from her landlord indicating a willingness to forgive all but three months of that past due rent. See Initial Decision at 2. Based on the evidence provided, the ALJ concluded that the Agency could not provide Petitioner with almost one year of back rent, and as such, affirmed the Agency's denial of EA benefits to Petitioner. Id. at 2-3; see also Exhibit R-1 at 3-7, and N.J.A.C. 10:90-6.3(a)(5). Further, the ALJ concluded that, if Petitioner provides the Agency with a letter from her landlord waiving all but three months of back rent, then the Agency shall provide EA benefits in the form of back rent for the months of January, February, and March, 2021. See Initial Decision at 3. While I agree with the ALJ's affirmation of the Agency's denial of EA benefits to Petitioner, I find, however, that Petitioner must provide the



Agency with a valid written waiver agreement from her landlord within 15 days from the date of the issuance of this Final Agency Decision, and that upon receipt of such written agreement, the Agency shall reevaluate Petitioner's eligibility for EA benefits, as appropriate, on an expedited basis. If Petitioner fails to provide a valid written waiver agreement within the 15-day timeframe, then the Agency's denial of EA benefits to Petitioner will stand. The Initial Decision is modified to reflect this finding.

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

Officially approved final version.

APR - 8 2021

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
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SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Assistant Commissioner*

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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 09597-20 K.E.

AGENCY DKT. NO. S470507014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency asserts that Petitioner's household received SNAP and WFNJ/TANF benefits to which it was not entitled, resulting in overissuances of benefits which must be recouped. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The matter was initially scheduled for a plenary hearing on December 17, 2020, but was adjourned due to inclement weather. Thereafter, throughout several dates in January, 2021, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held telephonic plenary hearings, took testimony, and admitted documents. The record then closed on January 11, 2021. On January 27, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and REVERSE the Agency determination, based on the discussion below.

In the instance of an overpayment of SNAP benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. A type of overpayment which is subject to recoupment is one which results from "a misunderstanding or unintended error on the part of the household receiving benefits, called an "Inadvertent Household Error" ("IHE"). See N.J.A.C. 10:87-11.20(e)(2).

Similarly, under the WFNJ regulations, a recipient is required to satisfy any repayment obligation pursuant to state or Federal law governing public assistance. See N.J.A.C. 10:90-2.2(a)(7). An overpayment of WFNJ benefits, including Emergency Assistance benefits, is subject to recoupment, "regardless of fault, including overpayments caused by administrative action or inaction[.]" See N.J.A.C. 10:90-3.21(a)(1).



Here, the Agency contends that Petitioner received child support income for the period beginning February, 2019, through May, 2019, and that she failed to report this income to the Agency, as required. See Initial Decision at 2, 4; see also Exhibit R-1 at 2, 43-47, 55, 62, and N.J.A.C. 10:87:5-(a)(5). However, the ALJ found that Petitioner had received no child support payments since June 7, 2018, and that she had received child support income before she received any cash assistance benefits. See Initial Decision at 2, 3; see also Exhibit R-1 at 3. The ALJ further found that there was no factual basis for the amount of overpayments Petitioner is alleged to owe the Agency. See Initial Decision at 3. Accordingly, the ALJ concluded that, since there still exists a factual issue as to whether child support payments were properly matched in time to Petitioner's receipt of SNAP and WFNJ/TANF benefits, by the preponderance of the credible evidence, the Agency did not sustain its burden of proof as to whether Petitioner was overissued SNAP and WFNJ/TANF benefits. *Id.* at 4. The ALJ further concluded that Petitioner was not overissued SNAP and WFNJ/TANF benefits, and reversed the Agency's determination to recover from Petitioner overissuances of SNAP and WFNJ/TANF benefits. *Ibid.* Based on an independent review of the record, I agree.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is REVERSED, as outlined above.

Officially approved final version.

APR - 8 2021

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
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SARAH ADELMAN  
Acting Commissioner

SHEILA Y. OLIVER  
Lt. Governor

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 01646-21 C.H.

AGENCY DKT. NO. C061466005 (CAPE MAY COUNTY WELFARE BOARD)

Petitioner Agency seeks a finding that Respondent committed an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent failed to accurately report household composition, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on December 24, 2020. See Exhibit P-1 at 28, 29-30, 33. Because Respondent failed to timely execute and return the waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. See Exhibit P-1 at 31-32. On March 11, 2021, the Honorable Dorothy Incarvito-Garrabrant, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. Respondent did not call in for the hearing, and the matter proceeded ex parte, which is permissible pursuant to our regulatory scheme. See N.J.A.C. 1:10-14.1(d). The record remained open for ten days for Respondent to present good cause for her failure to appear. Respondent did not respond. On March 15, 2021, Petitioner Agency supplied evidence to clarify and supplement the calculations at issue, which were presented during the hearing.

On March 24, 2021, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 9. Specifically, the ALJ found that Respondent had failed to report that her minor child was removed from her home on June 19, 2020, and no longer resided with Respondent, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$508 for the period of November, 2020, through December, 2020. Id. at 7, 9; see also Exhibit P-1 at 1, 5-10, 35, and N.J.A.C. 10:87-2.2(a).

As this was the first IPV committed by Respondent, the ALJ ordered the mandatory regulatory penalty of a 12-month disqualification from receipt of SNAP benefits pursuant to N.J.A.C. 10:87-11.2(a)(1). See Initial Decision at 9.



No Exceptions to the Initial Decision were filed.

As Assistant Commissioner of the Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following an independent evaluation of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law. Notably, the Agency is not seeking repayment of the overissuance amount. *Id.* at 7. The Agency only seeks a determination that Respondent committed an IPV, which consequently, results in a period of disqualification from receipt of SNAP benefits, as outlined above.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondent is disqualified from receipt of SNAP benefits for a period of 12 months. I further AFFIRM the ALJ's determination that Respondent committed an IPV.

Officially approved final version. **APR - 8 2021**

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Natasha Johnson  
Assistant Commissioner







State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Assistant Commissioner*

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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 03002-21 D.B.

AGENCY DKT. NO. C107589015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that his emergency was not due to circumstances beyond his control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 7, 2021, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 8, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency denied Petitioner EA benefits, contending that he was asked to leave his place of residence due to a disagreement with the homeowner's son, and because he was allegedly "free loading," thereby causing his own homelessness. See Initial Decision at 2-4; see also Exhibit R-1; and N.J.A.C. 10:90-6.1(c)(3). However, the ALJ found that no evidence was presented at the hearing to indicate that the disagreement was caused by Petitioner, or that Petitioner was "free loading," particularly as the homeowner herself had testified at the hearing. See Initial Decision at 5-6. Further, the ALJ found that, at the time Petitioner was asked to leave the residence, he was suffering from a medical condition which made it difficult for him to walk or see, and moreover, due to the COVID pandemic, alternative housing was limited and difficult to locate. Ibid. Based on the foregoing, the ALJ concluded that Petitioner had not caused his own homelessness, and that his homelessness was due to circumstances beyond his control. Id. at 6. Accordingly, the ALJ also concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. Ibid.; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

APR 13 2021

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
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*Acting Commissioner*

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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Assistant Commissioner*

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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 00972-21 A.M.

AGENCY DKT. NO. C074574020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between June, 2020, and September, 2020. The Agency asserts that Petitioner's household received SNAP benefits to which it was not entitled, resulting in an overissuance of benefits which must be recouped. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On March 5, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 12, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87- 1.1(a). In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. One type of overpayment which is subject to recoupment is one which results from "a misunderstanding or unintended error on the part of the household" receiving benefits, called an "Inadvertent Household Error" ("IHE"). See N.J.A.C. 10:87-11.20(e)(2). Repayment of overissuances may be sought for amounts going back six years prior to the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the record reflects that Petitioner was receiving SNAP benefits in 2020, when the Agency learned, through the normal course of operations, that Petitioner had not reported the unearned income of her daughter, more specifically, her daughter's receipt of Unemployment Insurance Benefits ("UIB") during the months in question. See Initial Decision at 2; see also N.J.A.C. 10:87-9.5(a)(1)(iii), (2). Had Petitioner timely reported her daughter's UIB, the household's SNAP benefits would have been reduced



to the minimum amount for the household size. See Initial Decision at 2. As a result, Petitioner's household received an overissuance of SNAP benefits in the amount of \$339 per month, or \$1,356 total. Ibid. During her testimony at the hearing before the ALJ, Petitioner asserted that the Agency should have learned of the UIB on its own. Ibid. Petitioner was advised, however, that it was her responsibility to report the receipt of said unearned income, in accordance with applicable regulatory authority. Ibid.; see also N.J.A.C. 10:87-9.5(a)(1)(iii), (2). Petitioner then admitted that she had been overpaid SNAP benefits, and agreed to repay the full amount, by using any monthly SNAP benefits to which she was entitled. See Initial Decision at 4. Petitioner further maintained that she had recently submitted \$100 to the Agency, towards payment of the amount owed. Id. at 3. Based on the foregoing, the ALJ found that the parties had agreed to resolve the matter with a payment plan. Ibid. The ALJ thus concluded that the Agency's determination in this matter, that Petitioner was overpaid a total of \$1,356 in SNAP benefits, which must be repaid, was proper and must stand. See Initial Decision at 4. I agree. The ALJ further concluded that the parties had reached an agreement for the repayment of said amount, but ordered that the Agency shall investigate Petitioner's assertion of a recent \$100 payment towards the total, and credit same towards the total owed, if it is, in fact, determined to have been paid. Ibid. I also agree. Finally, the ALJ ordered that the Agency shall apply the full amount of any future SNAP benefits allotments toward the repayment of the \$1,356, until such time as the full amount has been repaid. Ibid.; see also N.J.A.C. 10:87-11.20(e)(2). I also agree, and as such, I direct that the Agency proceed to recoup the overissuance in accordance with these terms.

I ORDER and direct the Agency to proceed to recoup the overissuance, as outlined above.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED.

Officially approved final version. APR 13 2021

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Assistant Commissioner*

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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 00076-21 S.J.

AGENCY DKT. NO. C067249012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she violated motel rules at two separate motel placements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 16, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 8, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency terminated Petitioner's EA benefits, contending that she had violated the same motel rule, in two separate motel placements, by allowing an unauthorized visitor to stay in her room, resulting in her removal from said motels. See Initial Decision at 4-5; see also Exhibits R-9, R-11, R-12, R-13, R-14, R-15, and N.J.A.C. 10:90-6.3(e). However, the ALJ found that, although the Agency had provided competent evidence to establish that Petitioner had violated the motel visitation policy at her second motel placement, it had not provided competent evidence to establish that Petitioner had violated the same motel visitation policy at her first motel placement. See Initial Decision at 5-8; see also Exhibits R-9, R-10, R-12, R-13, R-14, and N.J.A.C. 1:1-15.5. As such, the ALJ found that this was Petitioner's first removal from a motel placement due to a violation of a motel visitation policy, and in accordance with N.J.A.C. 10:90-6.3(e)(1)(iii), Petitioner remains eligible for EA benefits. See Initial Decision at 7-8. Moreover, the ALJ found, and the record substantiates, that Petitioner had mental health barriers that prevented her from complying with the motel rules, and therefore, she had good cause for her non-compliance, and remains eligible for EA benefits. See Initial Decision at 2-3, 6-8, 10; see also Exhibits R-1, R-3, R-20, R-27, and N.J.A.C. 10:90-6.3(g). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper, and ordered the Agency to evaluate Petitioner's particular circumstances and to provide her with an appropriate housing placement, which may include placement at a supervised facility. See Initial Decision at 10-11; see also Exhibit R-15, and N.J.A.C. 10:90-6.3(e), (f), (g). I agree.

Exceptions to the Initial Decision were filed by the Agency on March 17, 2021.



As Assistant Commissioner, 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.

By way of comment, Petitioner is advised that any future hotel/motel/shelter rule violation, without good cause, may result in a termination of her EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(c), (e).

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

**APR 13 2021**

---

Natasha Johnson

Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
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*Acting Commissioner*

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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Assistant Commissioner*

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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

REMAND DECISION

OAL DKT. NO. HPW 00898-21 A.G.

AGENCY DKT. NO. C153344007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits, contending that Petitioner's household's monthly unearned income exceeded the maximum permissible level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A plenary hearing was initially scheduled for March 3, 2021, but was adjourned at Petitioner's request due to her inability to receive the Agency's hearing exhibits electronically. The matter was rescheduled, and on March 17, 2021, the Honorable Sarah H. Surgent, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On March 30, 2021, the ALJ issued an Initial Decision, affirming the Agency's termination, but ordering the maximum September 2020 benefit allotment for Petitioner's household size.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby MODIFIED, the Agency determination is AFFIRMED, and the matter is REMANDED to the Agency for further action, based on the discussion below.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87- 1.1(a).

Regulatory authority applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits for both adults and children in the household. See N.J.A.C. 10:87-5.5(a)(2). Further, N.J.A.C. 10:87-5.5(a)(2) specifically includes "unemployment compensation" as unearned income which is to be included when determining a household's SNAP eligibility.



In accordance with N.J.A.C. 10:87-6.16(b)(1), households which contain an elderly or permanently disabled individual, as defined by N.J.A.C. 10:87-2.34, must meet the net income test for SNAP eligibility. N.J.A.C. 10:87-6.16(d)(2), states that households that do not contain an elderly or permanently disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4.

In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. One type of overpayment which is subject to recoupment is one which results from "a misunderstanding or unintended error on the part of the household" receiving benefits, called an "Inadvertent Household Error" ("IHE"). See N.J.A.C. 10:87-11.20(e)(2). Repayment of overissuances may be sought for amounts going back six years prior to the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the record reflects that Petitioner applied for SNAP benefits on September 6, 2020. See Initial Decision at 2; see also Exhibit R-10 at 2. The application lists Petitioner and her two adult disabled sons, D.G. and K.D., as members of the SNAP household, although Petitioner maintained that she only intended to apply for SNAP benefits for herself. See Initial Decision at 2. Notably, the record further shows that the only income listed on Petitioner's application was Supplemental Security Income ("SSI") of D.G. of \$200, and "Disability Payments" for K.D. of \$200, with the line for Unemployment Insurance Benefits ("UIB") being left blank. See Exhibit R-10 at 6. Petitioner was approved for SNAP benefits and received a pro-rated amount for September, 2020, and thereafter, received the determined benefit allotment of \$64, plus the added amount of \$471 COVID-19 relief, for the maximum allotment for Petitioner's household size of \$535. See Initial Decision at 3; see also Exhibit R-9 at 5. The Initial Decision in this matter states that "[a]fter a routine income audit" Petitioner's income rose to \$3,795 effective January 1, 2021, and comprised of Petitioner's monthly UIB of \$1,031, D.G.'s monthly UIB income of \$706 and SSI benefits of \$298, and K.D.'s monthly UIB of \$1,1001, Retirement, Survivors and Disability Insurance ("RSDI") benefits of \$497 and SSI benefits of \$262. See Initial Decision at 3; see also Exhibits R-6, R-8. As a result, Petitioner's SNAP benefits were terminated effective January 1, 2021, for exceeding the maximum allowable gross income level for receipt of said benefits. *Ibid.* Based upon Petitioner's testimony, the ALJ in this matter found that Petitioner had purposely included her sons in her application for SNAP benefits as part of her household, and moreover, Petitioner did not deny or dispute the \$3,795 gross monthly household income or that it exceeded the maximum allowable income for receipt of SNAP benefits. *Id.* at 4-5. After acknowledging that when a SNAP household includes a disabled household member, only net income eligibility must be met, the Agency provided an amended calculation of Petitioner's SNAP benefits eligibility. See Initial Decision at 5; see also N.J.A.C. 10:87-6.16(b)(1). The Agency's amended calculations showed that Petitioner's SNAP net monthly income was \$3,628, well over the maximum allowable net income of \$1,810. See Initial Decision at 6, 7-8; see also Exhibit R-4 at 12. Based on the foregoing, the ALJ found that the Agency's termination of Petitioner's SNAP benefits was proper and must stand. See Initial Decision at 8. The ALJ further opined that Petitioner had received only a pro-rated SNAP benefit allotment for the month in which Petitioner had applied, and that she should have received the full benefit allotment for the household size, or \$509, and directed the Agency to provide Petitioner with the balance of the retroactive amount of \$480. *Ibid.*; see also DFD Instruction 19-09-01 at 11.

While I agree with the ALJ's conclusion, that the Agency's termination of Petitioner's SNAP benefits must be affirmed, based upon an independent review of the record, I disagree with the ALJ's order that Petitioner should receive the balance of the maximum household allotment for September, 2020, for the following reasons. It appears from the record that, at the time of Petitioner's SNAP benefits application on September 6, 2020, Petitioner and her adult sons were already receiving weekly UIB payments, in a total monthly amount that is the same as in January, 2021, and that K.D.'s and D.G.'s monthly SSI and RSDI amounts were only slightly less than the amounts in January, 2021. See Exhibit R-8. Moreover, it





is clear that none of the household's UIB income was reported on Petitioner's SNAP benefits application in September, 2020, despite having already been receiving UIB for several months prior to the submitted SNAP benefits application. Ibid. Based on the foregoing, I find that Petitioner is not entitled to the balance of the maximum SNAP benefit allotment for the month of September, 2020. Rather, as it appears from the record that Petitioner's household may not have been eligible for SNAP benefits at the time of application, this matter is remanded to the Agency to reevaluate Petitioner's eligibility at the time of application, based on the evidence presented in the DOVE reports for the household. See Exhibit R-8. If the Agency determines that Petitioner was incorrectly approved for SNAP benefits in September, 2020, based upon the omission of household unearned income, the Agency shall take appropriate action, in accordance with regulatory authority, on the overissuance of SNAP benefits. See N.J.A.C. 10:87-11.20(e)(2). If such action is taken, Petitioner may request another fair hearing on the overissuance issue alone. In the event that the Agency determines that Petitioner was, in fact, eligible for SNAP benefits in September, 2020, then balance of the maximum benefit allotment shall be issued. The Initial Decision is modified to reflect these findings.

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

Officially approved final version.

APR 15 2021

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
Acting 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 00655-21 M.F.

AGENCY DKT. NO. C317273020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the correctness of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that Petitioner received SNAP benefits to which she was not entitled, as the result of a failure to report household unearned income, which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 24, 2021, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On March 9, 2021, the ALJ Issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, 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 hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency action.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87-1.1(a). In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. One type of overpayment which is subject to recoupment is one which results from "a misunderstanding or unintended error on the part of the household" receiving benefits, called an "Inadvertent Household Error" ("IHE"). See N.J.A.C. 10:87-11.20(e)(2). Repayment of overissuances may be sought for up to six years following the time that the Agency becomes aware of the overissuance. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner received an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 3. Specifically, due to an IHE, Petitioner had failed to report unearned income that she had received, specifically, Unemployment Insurance benefits ("UIB"), which resulted in an overissuance of SNAP benefits to Petitioner in the amount of \$1,738, for the period beginning



October, 2016, through January, 2017. Id. at 2, 3; see also Exhibit R-1 at 1, 2-3, 5, 10-14, and N.J.A.C. 10:87-5.5(a)(2), -9.5.

Based on the record presented, the ALJ in this matter concluded that Petitioner was overissued SNAP benefits to which she was not entitled during the time period claimed, and as such, the Agency is entitled to recoup, and Petitioner must repay, the overissuance of SNAP benefits to which she was not eligible to receive. See Initial Decision at 3; see also N.J.A.C. 10:87-11.20(b), (e)(2). I agree.

I ORDER and direct that the Agency proceed to recoup the overissuance.

By way of comment, if Petitioner is unable to repay the overissuance in one lump sum, she should contact the Agency to arrange a mutually agreeable repayment agreement, so that she may begin to make smaller, installment payments. See N.J.A.C. 10:87-11.20(i)(4)(xiv), -(j)(1). Or, if Petitioner is currently a SNAP benefits recipient, the Agency may reduce Petitioner's SNAP benefit allotment in accordance with current regulatory authority, until the entire amount of the overissuance is recouped. See N.J.A.C. 10:87-11.20(p)(1)(iii).

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

APR 15 2021

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
Governor

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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 02938-21 C.B.

AGENCY DKT. NO. S563565012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he violated motel rules, and failed to comply with his EA service plan ("SP") by violating motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 31, 2021, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 1, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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, based on the discussion below.

EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, "destruction of shelter property or the property of others," or "threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents." See N.J.A.C. 10:90-6.3(c)(2), (3); see also DFD Instruction ("DFDI") No. 21-02-03.

Here, the record indicates that Petitioner had executed EA service plans ("SP"), wherein he agreed to comply with motel/shelter rules. See Initial Decision at 3-4. The ALJ found that Petitioner had violated the rules of his motel placements by engaging in altercations with other motel guests, and by destroying motel property, resulting in police involvement and his termination from two motel placements. Id. at 4-5. The ALJ also found that the Agency had proffered credible testimony and evidence proving that Petitioner had violated his SP when he had violated motel rules. Id. at 5. Based on the foregoing, the ALJ concluded that Petitioner had violated the terms of his SPs, without good cause, by violating motel rules, and on that basis, affirmed the Agency's termination of Petitioner's EA benefits and imposition of a six-month EA ineligibility penalty. Id. at 5-6; see also N.J.A.C. 10:90-6.6(a). While I agree with



the ALJ's ultimate conclusion, in instances such as this, where violations of motel/shelter rules are at issue, it is the type of violation which is controlling. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e). In this instance, the record indicates that Petitioner's disruptive and destructive behaviors, resulted in his termination from his motel placements, and on those bases, I find that Petitioner is ineligible for EA benefits for a period of six months in accordance with N.J.A.C. 10:90-6.3(c)(2), (3). See Initial Decision at 4-5. Accordingly, I find that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. Id. at 5-6; see also DFDI No. 21-02-03. The Initial Decision is modified to reflect this finding with respect to the applicable legal basis in this case.

Moreover, the ALJ found Petitioner ineligible for EA benefits because he was not a Work First New Jersey/General Assistance benefits recipient, nor a Supplemental Security Income benefits recipient, and on that basis, concluded that the Agency's termination of Petitioner's EA benefits was also proper and must stand. See Initial Decision at 3, 5; see also N.J.A.C. 10:90-6.2(a). I agree.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version. **APR 15 2021**

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
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*Lt. Governor*

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 01441-21 D.D.

AGENCY DKT. NO. C183739013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits and the termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner WFNJ/GA benefits, and terminated SNAP benefits, due to resources above the eligibility levels. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 16, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 30, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. See N.J.S.A. 44:10-56. GA is a component of WFNJ that provides assistance to adults without dependent children. See N.J.A.C. 10:90-1.1(b). In evaluating an individual's eligibility for WFNJ/GA benefits, all countable income and resources, unless exempt, must be considered. See N.J.A.C. 10:90-3.1(a), -3.9(a), -3.10(a), -3.19 and -3.20. Resources include bank accounts, cash, and contributions of support that are available to meet the needs of the individual. N.J.A.C. 10:90-3.10(b).

Here, the record reflects that Petitioner applied for WFNJ/GA and SNAP benefits on October 22, 2020. See Exhibit R-1 at 1. The record further reveals that Petitioner lives in a condominium that was purchased for her by her parents, and that her parents pay a number of her expenses. See Initial Decision at 2; see also Exhibit R-1 at 2. On November 18, 2020, the Agency denied Petitioner WFNJ/GA benefits because her parents supported her, and her needs were being met. See Initial Decision at 2; see also Exhibit R-1 at 5. Additionally, the Agency had initially expedited Petitioner's SNAP benefits pending verifications, but then terminated same on November 18, 2020, as her parents were paying



for her food and she was not resource eligible. See Initial Decision at 2; see also Exhibit R-1 at 1, 9. Following a review of the evidence presented in this matter, the ALJ agreed that resources provided to Petitioner by Petitioner's parents exceeded eligibility requirements for WFNJ/GA, and were in excess of the limit for SNAP benefits. See Initial Decision at 3. As such, the ALJ concluded that the Agency's denial of WNFJ/GA benefits, and termination of SNAP benefits was proper and must stand. See Initial Decision at 3-4. I agree.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

APR 20 2021

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
*Governor*

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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 01282-21 R.G.

AGENCY DKT. NO. C211507013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency denied Petitioner SNAP and WFNJ/GA benefits, contending no separate household, and the combined household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 16, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 30, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner applied for WFNJ/GA and SNAP benefits on November 6, 2020. See Initial Decision at 1; see also Exhibit R-1 at 1. The record further reveals that Petitioner lives in the basement of his ex-wife's residence, that he pays his ex-wife weekly rent and he shares no other expenses with the rest of the household. See Initial Decision at 3. However, the Agency found Petitioner ineligible for SNAP benefits due to the inclusion of Petitioner's ex-wife's and daughter's income in the SNAP eligibility calculations, having concluded that Petitioner was not a separate household. See Initial Decision at 2-3; see also N.J.A.C. 10:87-2.2. However, at the hearing before the ALJ, the Agency representative Agency acknowledged that she was not aware of Petitioner's particular living arrangements, nor that expenses were not shared, but rather, she had assumed that Petitioner, his ex-wife and her daughter constituted one household. See Initial Decision at 3. With respect to the denial of WFNJ/GA benefits, the Agency had also presumed that he was living with his minor child, yet, Petitioner does not have any custodial rights with respect to the son, and the Agency later acknowledged same, and therefore, Petitioner is a single person with no dependents and WFNJ/GA eligible. *Ibid.*; see also N.J.A.C. 10:90-2.7(b) (1). Based on the foregoing, the ALJ found that the Agency's denial of WFNJ/GA and SNAP benefits to Petitioner was not proper and must be reversed. *Id.* at 4. I agree. The ALJ further ordered that Petitioner's eligibility for benefits be recalculated on Petitioner's income alone, and that Petitioner's SNAP household is comprised solely of Petitioner and be recalculated accordingly. *Ibid.* I also agree.

No Exceptions to the Initial Decision were received.





As Assistant Commissioner, 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. APR 20 2021

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY  
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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 03235-21 R.A.

AGENCY DKT. NO. S623788012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that a motel placement was not an appropriate form of housing for him, and that he was not homeless or imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 12, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On April 12, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency determined that, due to Petitioner's mental health issues, and prior behaviors at his previous motel placements, the most appropriate form of housing placement for him was a supervised living facility. See Initial Decision at 2-4; see also Exhibits R-17, R-21, R-26, R-27, and R-28. The Agency also contended that Petitioner was not homeless or imminently homeless. See Initial Decision at 3; see also Exhibit R-21. On those bases, the Agency terminated Petitioner's EA benefits. See Exhibit R-21, and N.J.A.C. 10:90-6.1(c), -6.3(a). However, the ALJ found that, although Petitioner may have violated motel rules, said alleged motel violations were not the bases for the Agency's termination of Petitioner's EA benefits, and in addition, the Agency had not shown that Petitioner had refused any Agency offered placement. See Initial Decision at 4-5; see also Exhibits R-21, R-5, R-6, R-10, R-13. Also, it appears from the record that Petitioner is either currently, or imminently homeless. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that in accordance with Division of Family Development Instruction ("DFDI") 21-02-03 (which limits the reasons by which the Agency is permitted to terminate EA benefits), it was improper for the Agency to terminate Petitioner's EA benefits on the bases set out in its March 3, 2021, adverse action notice, and as such, reversed the Agency's termination of Petitioner's EA benefits. *Id.* at 4-5; see also Exhibit R-21. I agree. Additionally, the ALJ advised Petitioner that motels at which the Agency can provide housing is limited, and therefore, he should consider any alternative housing opportunities offered, or recommend, by the Agency, including supervised housing. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3(a)(1). I also agree.

No Exceptions to the Initial Decision were received.



As Assistant Commissioner, 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.

By way of comment, Petitioner is advised that any future violations of motel/shelter rules may result in the termination of EA benefits and the imposition of a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.3(c), (e).

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

Officially approved final version. **APR 20 2021**

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

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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 833-21 D.R.

AGENCY DKT. NO. C107620003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he violated motel rules, and that he was not a Work First New Jersey ("WFNJ") or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 3, 2021, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 8, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 REVERSE the Agency's determination, based on the discussion below.

Here, the record reflects that by Revised Termination Notice dated March 1, 2021, the Agency terminated Petitioner's EA benefits, effective December 1, 2020, and imposed a six-month EA ineligibility penalty, contending that Petitioner violated motel rules. See Initial Decision at 3, 5-6; see also Exhibits R-A, R-F, R-H, and N.J.A.C. 10:90-6.3(c) (2), (3). Said termination was based on a letter and email sent from the motel manager to the Agency, advising that Petitioner had violated motel rules by engaging in threatening and/or disruptive behavior and for theft of a television set, resulting in a request that Petitioner be removed from the motel. See Initial Decision at 5; see also Exhibit R-H. However, no one from the motel, nor anyone from the Agency with direct knowledge of the incident, was present at the hearing to attest to the truth of those motel violation claims. See Initial Decision at 6; see also N.J.A.C. 1:1-15.5. Petitioner disputed the violations presented in the aforementioned communications. *Id.* at 5-6; see also Exhibit R-H. Based on the foregoing, the ALJ concluded that the Agency had failed to meet its burden of proof to show, by a preponderance of competent evidence, that Petitioner had failed to comply with motel rules. See Initial Decision at 6. Accordingly, the ALJ



concluded 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. Id. at 7; see also Exhibit R-A. I agree.

Further, in accordance with procedures instituted by DFD due to the ongoing COVID-19 pandemic, the ALJ found that the Agency's termination of Petitioner's EA benefits, on the basis that he had exhausted his lifetime limit of EA benefits, was improper and must be reversed. See Initial Decision at 7; see also Exhibits R-A, R-F. I agree.

Finally, the ALJ found that Petitioner's Work First New Jersey/General Assistance ("WFNJ/GA") benefits had been properly terminated, effective December 1, 2020, and therefore, because he was no longer a WFNJ benefits recipient, nor an SSI benefits recipient, he was ineligible for EA benefits on that basis. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.2(a) (limiting eligibility for EA benefits to WFNJ and SSI benefits recipients). However, the record reflects that, as of January 2021, Petitioner had completed his WFNJ/GA redetermination, and moreover, I take official notice that the records of this office indicate that Petitioner's WFNJ/GA benefits had not been terminated on December 1, 2020, and that to date, he continues to receive WFNJ/GA benefits. See Initial Decision at 3; see also N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Therefore, I find that the Agency's December 1, 2020, termination of Petitioner's WFNJ/GA benefits is now moot. See Initial Decision 3-4. The Initial Decision is modified to reflect this finding.

By way of comment, Petitioner is advised that any future shelter rule violations, without good cause, may result in a termination of his EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(c), (e).

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

Officially approved final version.

APR 20 2021

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Natasha Johnson

Assistant Commissioner





## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
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SHEILA Y. OLIVER  
*Lt. Governor*

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 09540-20 S.Z.

AGENCY DKT. NO. C633393007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an exemption from the WFNJ/GA benefits time limit, and the consequent termination of his WFNJ/GA benefits for the months of November and December 2019, and January and February 2020. Petitioner is seeking retroactive WFNJ/GA benefits for those months. The Agency denied Petitioner an exemption from the lifetime limit of WFNJ/GA benefits, contending that he had failed to provide required documentation, and consequently terminated Petitioner's WFNJ/GA benefits, because he had exhausted his lifetime limit of WFNJ/GA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 8, 2021, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 9, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had received 67 months of WFNJ/GA benefits, and as such, he had exhausted his lifetime limit of WFNJ/GA benefits, and was therefore, ineligible for said benefits. See Initial Decision at 2; see also Exhibit R-1 at 15-19, and N.J.A.C. 10:90-2.3(a). Petitioner applied for an exemption from the WFNJ/GA benefits lifetime limit, but failed to provide the Agency with a valid 12-month MED-1 form, an eligibility requirement for such exemption, for the period within which he is seeking retroactive WFNJ/GA benefits, November 2019 through February 2020. See Initial Decision at 2-3; see also Exhibits R-1 at 4-6, 8-13, R-3, and N.J.A.C. 10:90-2.4(a)(3)(i). Accordingly, by notice dated February 11, 2020, effective September 1, 2020, Petitioner was denied an exemption of the WFNJ/GA benefits time limit, and consequently said benefits were terminated. See Exhibit R-2. The ALJ found that in order for Petitioner to be eligible for WFNJ/GA benefits for the time period of November 2019, through February 2020, he was required to provide the Agency with an adequate MED-1 form, but failed to do so, until March 9, 2020. See Initial Decision at 4; see also Exhibit R-1 at 22, R-3, and N.J.A.C. 10:90-1.6(a), -2.2(a)(5), and -2.4(a)(3)(i). The ALJ also found that, upon receipt of a valid MED-1 form from Petitioner on March 9, 2020, the Agency reinstated Petitioner's WFNJ/GA benefits, effective March 1, 2020. See Initial Decision at 4; see also Exhibit R-1 at 22. Based on the foregoing, the ALJ concluded that Petitioner was ineligible for WFNJ/GA benefits for the months of November and December 2019, and January and February 2020, and affirmed the Agency's determination. See Initial Decision at 3-4; see also Exhibit R-2. I agree.



No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 AFFIRMED.

Officially approved final version. APR 22 2021

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

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*Governor*

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NATASHA JOHNSON  
*Assistant Commissioner*

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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 00990-21 R.H.

AGENCY DKT. NO. C057061008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits because the household's monthly unearned income from child support payments put the WFNJ/GA assistance unit ("AU") over the maximum benefit eligibility level for receipt of said benefits. The Agency terminated Petitioner's EA benefits because she was no longer a WFNJ benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 5, 2021, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 10, 2021, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 AFFIRM the Agency's determination, based on the discussion below.

Initial financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). Income includes monies received as child support payments. See N.J.A.C. 10:90-3.10(b). If a WFNJ/GA assistance unit (hereinafter "AU") has income that is equal to or less than the maximum allowable income or benefit level, then initial financial eligibility exists. See N.J.A.C. 10:90-3.1(b), -3.5(a), -3.6(a). Effective July 1, 2019, the maximum allowable income level for initial eligibility for an employable WFNJ/GA assistance unit that consists of one individual is \$278 per month. See N.J.A.C. 10:90-3.5(a); see also DFD Informational Transmittal ("IT") No. 19-21.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for a WFNJ/GA benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA AU, with benefit of the appropriate disregards set forth in N.J.A.C. 10:90-3.8 for earned income, if applicable, is less than the maximum benefit payment level for the appropriate eligible AU size in





accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). Effective July 1, 2019, the maximum benefit level for an employable WFNJ/GA AU, consisting of one person, is \$185 per month. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") No. 19-21.

In accordance with N.J.A.C. 10:90-3.8(h) governing child support income, the total amount of child support received is considered income for purposes of WFNJ benefits eligibility. Eligibility for WFNJ benefits exists "provided that the total amount of child support received for that month is less than the monthly WFNJ grant amount." Once eligibility is established, the WFNJ benefits recipient retains up to \$100 of their total child support income, and that \$100, or any lesser amount retained, is disregarded as income. *Ibid.*; see also DFD Instruction 09-1-4.

Additionally, N.J.A.C. 10:90-3.11(a) states, "WFNJ eligibility and cash assistance benefit calculations shall be based on an estimate of the assistance unit's income, using income averaging and, other circumstances that will exist until the assistance unit reports a change in circumstances or at the time of case redetermination, whichever occurs first. The estimate of income is based on the assistance unit's and the agency's reasonable expectations and knowledge of current, past and future circumstances."

Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that Petitioner has been receiving WFNJ/GA and EA benefits since January, 2020. See Initial Decision at 2. In October, 2020, the Agency learned that Petitioner was receiving unearned income from child support payments. *Ibid.* In October, 2020, Petitioner received a child support payment of \$325, and between September and February, 2021, Petitioner received between \$249 and \$400 per month in child support payments, with an average of \$317 per month since October. See Initial Decision at 3; see also Exhibit R-1 at 2. By notice dated October 21, 2020, the Agency advised Petitioner that her WFNJ/GA benefits were being terminated. *Ibid.*; see also Exhibit R-1 at 5-7. Notice was also sent to Petitioner advising that her EA benefits would be terminated effective November 18, 2020. See Initial Decision at 3; see also Exhibit R-2 at 8. While Petitioner asserted that she only received \$60 per week in child support payments, the ALJ found that, using the appropriate multiplier of 4.33 resulted in a monthly income of \$259.80. See Initial Decision at 5. Additionally, the ALJ found no substantiating evidence to support Petitioner's assertion that she should be considered unemployable for WFNJ/GA purposes. *Ibid.* Based on the foregoing, the ALJ found that Petitioner did not meet the financial eligibility criteria for continued WFNJ/GA benefits, and therefore, the Agency's termination was proper and must stand. See Initial Decision at 4, 5. I agree. Additionally, the ALJ found that, as Petitioner was no longer income eligible for WFNJ/GA benefits, and she was not an SSI benefits recipient, she was no longer eligible for EA benefits, and as such, the Agency's EA benefits termination was also proper and must stand. See Initial Decision at 6; see also Exhibit R-2 at 8 and N.J.A.C. 10:90-6.2(a). I also agree.

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

Officially approved final version.

APR 22 2021

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Natasha Johnson  
Assistant Commissioner





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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 00837-21 O.W.

AGENCY DKT. NO. C073070018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/ General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits, and the imposition of a one-year disqualification period for receipt of said benefits. The Agency terminated Petitioner's WFNJ/GA and EA benefits contending that his income from Unemployment Insurance Benefits ("UIB") put him over the maximum allowable benefit level for WFNJ/GA benefits eligibility, and imposed a one-year disqualification period for receipt of WFNJ/GA and EA benefits, contending that he had voluntarily stopped his receipt of UIB for the purpose of qualifying for WFNJ/GA and EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 2, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 10, 2021, the ALJ issued an Initial Decision, affirming the Agency's termination of Petitioner's WFNJ/GA and EA benefits, and reversing the Agency's imposition of a one-year disqualification period for receipt of said benefits.

Exceptions to the Initial Decision were filed by the Agency on March 15, 2021.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 in part, and REVERSE in part, the Agency's determination, based on the discussion below.

Here, the ALJ concluded that due to Petitioner's receipt of UIB, he was ineligible for WFNJ/GA, and consequently EA benefits, and that the Agency's termination of Petitioner's WFNJ/GA and EA benefits was therefore, proper and must be affirmed. See Initial Decision at 3-4; see also Exhibit R-1 at 65, 69, 71, 72-73, 75, and N.J.A.C. 10:90-3.1(c), -3.5(b). I agree.

However, the ALJ found that, based on Petitioner's medical documentation and the existence of a 12-month MED-1 form, indicating that he was unable to work (all of which had been provided to the Agency), Petitioner had properly stopped his receipt of UIB. See Initial Decision at 2-4; see also Exhibit R-1 at 22, 25, 67, 77-80. Accordingly, the ALJ concluded that no disqualification period for WFNJ/GA and EA benefits eligibility was applicable in this case, and as such, reversed the Agency's imposition of said disqualification. See Initial Decision at 3-4; see also Exhibit R-1 at 71, 75, and N.J.A.C. 10:90-3.10(4)



(e). While I agree, I find that N.J.A.C. 10:90-3.10(4)(e), the regulation upon which the Agency relied for its imposition of a one-year disqualification period, was misplaced, as Petitioner had not voluntarily assigned or transferred income or resources for the purpose of qualifying for WFNJ benefits, but rather correctly stopped receipt of UIB benefits to which he was not entitled. See Initial Decision at 2-4; see also Exhibit R-1 at 22, 25, 67, 77-80. The ALJ further concluded that Petitioner may reapply EA benefits. See Initial Decision at 4. Again, while I agree with the ALJ, that Petitioner may reapply for EA benefits, I find that Petitioner may also reapply for WFNJ/GA benefits, if he has not already done so. Ibid. The Initial Decision is modified to reflect these findings.

By way of comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED in part, and REVERSED in part, as outlined above.

Officially approved final version. APR 22 2021

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 00694-21 J.M.

AGENCY DKT. NO. C122959008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") for back rent. The Agency denied Petitioner EA/TRA benefits, contending that he had failed to provide adequate documentation, that his rent was over the allowable Fair Market Rent, and that he is not homeless or imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for February 12, 2021, but was adjourned with the consent of both parties. On February 19, 2021, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 4, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, for purposes of this appeal, the ALJ found that Petitioner had applied for EA/TRA benefits, and that the Agency had verbally denied said EA benefits to Petitioner on December 7, 2020. See Initial Decision at 2, 4, 11-12. Although Petitioner had appealed the Agency's denial on numerous issues, the ALJ concluded that it was only necessary to address the threshold requirement for EA benefits eligibility, which is that an applicant for EA benefits must be homeless or imminently homeless. See Initial Decision at 12-14; see also N.J.A.C. 10:90-6.1(c). On that basis alone, the ALJ found that, although Petitioner's landlord had initiated eviction proceedings on October 9, 2020, for non-payment of rent, due to the COVID-19 moratorium on evictions, Petitioner continues to reside in his apartment, and therefore, no emergency exists. See Initial Decision at 12-13; see also Exhibit R-1 at 3-7. Further, Petitioner has a legal right to remain in his apartment pursuant to the moratorium on evictions imposed by Executive Order No. 106. See Initial Decision at 12-13. Of note, at the time of the hearing, it appears that no official lockout notice had been issued. Based on the foregoing, the ALJ concluded that the Agency's denial of EA/TRA benefits to Petitioner was proper and must stand. *Id.* at 14; see also N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). I agree.

Exceptions to the Initial Decision were filed on behalf of Petitioner by Legal Services on March 16, 2021.



As Assistant Commissioner, 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.

By way of comment, Petitioner is advised that he may reapply for EA benefits should his circumstances change. Petitioner is also advised that he should continue his search for more affordable housing. See Initial Decision at 2-3.

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

APR 22 2021

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Natasha Johnson  
Assistant Commissioner





State of New Jersey

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*Assistant Commissioner*

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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 00966-21 J.R.

AGENCY DKT. NO. C038906019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's correctness of a Supplemental Nutrition Assistance Program ("SNAP") benefits recoupment, due to an overissuance. The Agency asserts that Petitioner received SNAP benefits, to which she was not entitled, as the result of a failure to accurately report her household composition. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 16, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On March 23, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

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

As Assistant Commissioner, 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 hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency action.

Every SNAP application shall be made on behalf of a household. See N.J.A.C. 10:87-2.1. It is critically important to determine exactly who comprises the SNAP household, since all considerations of eligibility will follow from this initial determination. *Ibid.*

In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. One type of overpayment which is subject to recoupment is one which results from "a misunderstanding or unintended error on the part of the household" receiving benefits, called an "Inadvertent Household Error" ("IHE"). See N.J.A.C. 10:87-11.20(e)(2). Repayment of overissuances may be sought for up to six years following the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the record reflects that, on June 8, 2015, Petitioner applied for SNAP benefits for herself and her one child. See Initial Decision at 3. Thereafter, pursuant to an investigation regarding whether D.A.G., the father of Petitioner's child, resided in the same household as Petitioner, the Agency discovered that D.A.G. listed Petitioner's home as his official residence for purposes of his tax returns, motor vehicle



license and vehicle registration. Id. at 3, 4; see also Exhibit R-1 at 67, 69, 85, 86. Additionally, when the Investigator visited Petitioner's address, D.A.G. was present with the child, and stated to the Investigator that he owned the home, and had resided there with the child. See Initial Decision at 4; see also Exhibit R-1 at 68, 69-70, 71. Therefore, the ALJ found that D.A.G. had lived in the same home as Petitioner for the entire period that Petitioner had received an overissuance of SNAP benefits, specifically, for the period beginning June, 2015, through June, 2017. See Initial Decision at 5; see also Exhibit R-1 at 74-78, and N.J.A.C. 10:87-2.2, -2.14.

Based on the evidence presented, the ALJ concluded that, from June, 2015, through June, 2017, Petitioner received an overissuance of SNAP benefits in the amount of \$7,465 to which she was not entitled, and which must be repaid. See Initial Decision at 6; see also Exhibits R-1 at 74-78, 88-89, and N.J.A.C. 10:87-2.2, -2.14, -11.20. I agree.

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

I ORDER and direct that the Agency proceed to recoup the overissuance.

APR 22 2021

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner





## State of New Jersey

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STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 00514-21 H.V.

AGENCY DKT. NO. C089163018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/TANF benefits due to the receipt of lump sum Unemployment Insurance Benefits/Temporary Disability Insurance (hereinafter "UIB") benefits. The Agency terminated Petitioner's EA benefits as Petitioner was no longer a WFNJ benefits recipient, as a result of the lump sum payment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for February 9, 2021. On that date, the Agency requested an adjournment, but Petitioner objected. The Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), then held a telephone conference with the parties. The ALJ granted the adjournment request, but in the alternative, the parties agreed to submission of their respective positions in writing by February 12, 2021, and the matter would thereafter be determined on the papers submitted. Brief were submitted by both parties on February 12, 2021, and the record then closed. On March 5, 2021, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were filed by Petitioner on March 19, 2021, with Revised Exceptions submitted on March 23, 2021.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 MODIFY the Agency's determinations, based on the discussion below.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. See N.J.S.A. 44:10-56. TANF is a component of WFNJ that provides assistance to adults with dependent children. See N.J.A.C. 10:90-1.1(b). In evaluating an individual's eligibility for WFNJ/TANF benefits, all countable income and resources of all persons in the assistance unit of which the applicant or recipient is a member, unless exempt, must be considered. See N.J.A.C. 10:90-3.1(a), -3.9(a), -3.10(a), -3.19 and -3.20. Income includes monies received as unemployment compensation, as well as disability claims. See N.J.A.C. 10:90-3.9(a).





Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). Pursuant to N.J.A.C. 10:90-3.2(a), in order to determine initial financial eligibility for WFNJ benefits for a new applicant, reapplicant or reopened case, "all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule I at N.J.A.C. 10:90-3.3." See also N.J.A.C. 10:90-3.1(b). Effective July 1, 2019, for an assistance unit of three, such as Petitioner's, the initial monthly maximum allowable income level is \$839. See N.J.A.C. 10:90-3.3; see also DFD Informational Transmittal ("IT") No. 19-21 at 3.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF is found to exist, financial eligibility continues to exist so long as the AU's total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, if applicable) is less than the maximum benefit payment level allowable for the size of the assistance unit, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). Effective July 1, 2019, for an assistance unit of three, such as Petitioner's, the maximum allowable benefit level is \$559. See N.J.A.C. 10:90-3.3(b); see also DFD IT 19-21 at 3.

With respect to lump sum income, in accordance with N.J.A.C. 10:90-3.18(d), when the total lump sum income exceeds 200% of the WFNJ/TANF maximum payment level for the appropriate eligible assistance unit, as set forth in Schedule VI, the assistance unit will be ineligible for WFNJ benefits for the number of full months determined by dividing the total income by the payment level applicable to the eligible assistance unit size in Schedule VI. Effective July 1, 2019, for an assistance unit of three, such as Petitioner's, 200% of the WFNJ payment level, is \$1,118. See N.J.A.C. 10:90-3.18(d); see also DFD IT 19-21 at 4.

Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Turning the present matter, as correctly stated by the ALJ in this case, the issue presented is if the adverse actions taken by the Agency are correct. See Initial Decision at 8; see also N.J.A.C. 10:90-9.3(a) (stating that a right to a fair hearing exists for WFNJ benefits recipients when they are adversely affected by the Agency's action). The salient facts are not in dispute and the ALJ properly decided to proceed with the matter summarily. See Initial Decision at 9; see also N.J.A.C. 1:1-12.5(b). The ALJ issued a thorough and comprehensive Initial Decision, ultimately concluding that the Agency had properly terminated Petitioner's WFNJ/TANF benefits and correctly imposed an ineligibility period for WFNJ/TANF of EA benefits of 21 months, correctly terminated Petitioner's EA benefits because she was no longer a WFNJ, nor an SSI, benefits recipient, and also, that Petitioner's daughter was properly denied inclusion in the Supplemental Nutrition Assistance Program ("SNAP") household from April through December, 2020. See Initial Decision at 13. I agree with these conclusions, with the exception of the 21 month period of ineligibility for WFNJ/TANF. As noted above, effective July 1, 2019, the 200% of the WFNJ payment level for an assistance unit of three is \$1,118, and it is that amount that must be used in determining the proper ineligibility period, rather than the outdated amount of \$848 utilized by both the ALJ and the Agency in this matter. See Initial Decision at 10; see also DFD IT 19-21 at 4. Using the amount of \$1,118, divided into the lump sum of \$18,538, results in a period of ineligibility for WFNJ/TANF benefits, and consequently EA benefits, of 16 months. See N.J.A.C. 10:90-3.18(d); see also N.J.A.C. 10:90-6.2(a). The Initial Decision and the Agency determination are both modified to reflect this finding.

Additionally, it should be noted that Petitioner applied for UIB on January 5, 2020. See Exhibit R-1 at 41. Had Petitioner been approved, and received, the UIB benefits back on the retroactive date of January 11, 2020, with benefits of \$713 weekly, or \$3,089 monthly, Petitioner would not have been approved for WFNJ/TANF and EA benefits, at the time of Petitioner's application for said benefits in early February, 2020. See N.J.A.C. 10:90-3.3(b); see also DFD IT at 3.



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

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

Officially approved final version.

APR 22 2021

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Natasha Johnson  
Assistant Commissioner

