



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 04181-21 A.P.

AGENCY DKT. NO. S634825012 (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 shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 14, 2021, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On May 17, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner violated shelter rules by engaging in threatening and/or disruptive behavior. See Initial Decision at 3, 6-7; see also Exhibit R-1 at 3, 11-12, 17 and N.J.A.C. 10:90-6.3(c)(3). Specifically, the record reflects that Petitioner was terminated from her shelter placement due to a dispute with her roommate, triggering a psychiatric event which lead to her threatening the shelter staff and threatening to do herself harm, resulting in her removal from the shelter by the police and her transport to the local hospital. See Initial Decision at 3, 5-6; see also Exhibit R-1 at 11-12, 17. The record also reflects that the Agency had taken into consideration Petitioner's mental health issues and had offered to continue her EA benefits if she agreed to take her prescribed mental health medications, and if she complied with her previously agreed upon psychiatric outpatient counseling. See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(g). However, the record substantiates, and Petitioner admitted, that she suffers from certain mental health issues, yet she adamantly refused to take her medication or to attend outpatient counseling. See Initial Decision at 4-5; see also Exhibit R-1 at 1, 3, and 14. Although Petitioner claimed that she had not engaged in such threatening and/or disruptive behavior, the ALJ found that Petitioner had failed to provide any corroborative evidence to substantiate that claim. See Initial Decision at 3, 5-7. Based on the foregoing, the ALJ found that Petitioner violated shelter rules, and that her behavior directly caused her own homelessness. *Id.* at 4-7. 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 proper and must stand. *Id.* at 7; see also Exhibit R-1 at 13, and N.J.A.C. 10:90-6.1(c)(3)(vi), -6.3(c)(3). I agree.

No Exceptions to the Initial Decision were received.



F,12,N,S634825012X,0027,000013698834

BARA003

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, of note, in instances such as this, where a violation of motel/shelter rules are at issue, it is the type of violation which is controlling, not the EA service plan. See N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e). See Initial Decision at 4-6.

By way of further comment, as Petitioner has been receiving continued assistance pending the outcome of this fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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

Officially approved final version.

JUN - 1 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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DIVISION OF FAMILY DEVELOPMENT
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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 04340-21 J.C.

AGENCY DKT. NO. C240962004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 21, 2021, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 24, 2021, the ALJ issued an Initial Decision, dismissing the matter. The record indicates that Petitioner is currently receiving EA benefits, that the Agency had not terminated Petitioner's EA benefits, and that she is not homeless or imminently homeless. See Initial Decision at 2. As there had been no adverse action taken by the Agency against Petitioner, the ALJ concluded that the OAL had no jurisdiction at the present time to rule in this matter. Ibid. Accordingly, the ALJ dismissed Petitioner's appeal. Ibid. 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 and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

By way of comment, should Petitioner be denied EA benefits, or her EA benefits are terminated, she may request another fair hearing on those specific adverse actions. See N.J.A.C. 10:90-9.1, -9.3.

Accordingly, the Initial Decision in this matter is hereby ADOPTED. As there exists no contested issue in the case, I deem the matter moot and it is therefore DISMISSED.

Officially approved final version.

JUN - 1 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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SARAH ADELMAN
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NATASHA JOHNSON
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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 04030-21 J.S.

AGENCY DKT. NO. S565663012 (MIDDLESEX COUNTY BD. 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 because the household's earned income, after application of the appropriate income disregard, exceeded the maximum benefit eligibility level for receipt of WFNJ/TANF benefits, and terminated Petitioner's EA benefits, because Petitioner was no longer a WFNJ, 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 May 12, 2021, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 13, 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.

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 assistance unit's ("AU") 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). For an assistance unit of four, such as Petitioner's, the maximum allowable benefit level is \$644. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

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 the WFNJ/TANF benefits AU consists of four persons. See Initial Decision at 2; see also Exhibit R-1 at A. The record further shows that Petitioner began receiving WFNJ/TANF



benefits in May 2019, when she was not employed, and when she again became employed in October 2019, in accordance with applicable regulatory authority, a 100 percent income disregard was applied, and thereafter, a 75 percent income disregard until April 2020, when a 50 percent income disregard was then applied. See Initial Decision at 2; see also Exhibit R-1 at E and N.J.A.C. 10:90-3.8(b). In May 2020, Petitioner lost her employment and received a full WFNJ/TANF grant. See Initial Decision at 2; see also Exhibit R-1 at E. In September 2020, Petitioner then began working again and a 50 percent income disregard was again applied. *Ibid.*; see also N.J.A.C. 10:90-3.8(c). On recertification, in April 2021, Petitioner's case was reviewed, and it was determined that, after budgeting Petitioner's income by averaging two paychecks of \$698.49 and \$710.45, for a total of \$704.47 and multiplying that amount by the appropriate multiplier of 2.167, resulted in a monthly earned income of \$1,526.59. See Exhibit R-1 at B; see also N.J.A.C. 10:90-3.11(c). Applying the 50 percent income disregard to that amount results in \$763.30, which exceeds the maximum allowable for continued receipt of WFNJ/TANF benefits of \$644. See Exhibit R-1 at B; see also N.J.A.C. 10:90-3.8(c). Based on the foregoing, by notice dated March 11, 2021, the Agency terminated Petitioner's WFNJ/TANF benefits effective April 1, 2021. See Exhibit R-1 at D; see also N.J.A.C. 10:90-3.3(b) and DFD IT 19-21. Additionally, as Petitioner was no longer a WFNJ/TANF, nor an SSI, benefits recipient, by notice dated March 13, 2021, the Agency terminated Petitioner's EA benefits, effective April 13, 2021. See Exhibit R-2 at 7; see also N.J.A.C. 10:90-6.2(a). Based on the evidence presented, the ALJ found that Petitioner was ineligible for WFNJ/TANF benefits, due to excess income, and because she was no longer a WFNJ benefits recipient, she was no longer eligible EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-3.3(b), -6.2(a). The ALJ noted that, even after consideration using a subsequent lesser paycheck of \$602.81, and applying the requisite multiplier of 2.167, resulting in a monthly income of \$1306, applying the 50 percent income disregard results in an amount of \$653, which is still above the maximum allowable for continued receipt of WFNJ/TANF benefits. See Initial Decision at 3, 4; see also Exhibit R-1 at G. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was proper and must stand. See Initial Decision at 5. 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.

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

JUN - 1 2021

Officially approved final version.

JUN - 1 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

SARAH ADELMAN
Acting Commissioner

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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 09084-20 B.Z.

AGENCY DKT. NO. C137779015 (OCEAN 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, contending that income from Unemployment Insurance Benefits ("UIB") put the WFNJ/TANF assistance unit ("AU") over the maximum benefit eligibility level for receipt of WFNJ/TANF benefits, and terminated Petitioner's EA benefits, because she was no longer a WFNJ, nor a Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The initial hearing date of December 8, 2020, was adjourned in response to Petitioner's representation that on February 9, 2021, she was scheduled to meet with representatives of the office that managed UIB payments, the NJ Department of Labor ("DOL"). The hearing was rescheduled to January 21, 2021. Because Petitioner's meeting at the DOL had not yet occurred, the hearing was again adjourned to a peremptory date to be scheduled after February 9, 2021. On March 9, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open until March 30, 2021, to permit Petitioner to supplement the record. Petitioner did not produce any additional documents, and the record then closed on March 30, 2021. On April 14, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on May 11, 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

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 assistance unit's ("AU") 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). For an assistance unit of four, such as Petitioner's, the maximum



allowable benefit level is \$644. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

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 received monthly WFNJ/TANF benefits in the amount of \$644 for an AU of four. See Initial Decision at 2. In June, 2020, Petitioner received UIB in the amount of \$231 per week, which totaled \$1001 per month (\$231 x 4.333). See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-3.11(c)(1)(i).

As Petitioner's monthly UIB income exceeded the maximum allowable benefit level of \$644 for continued WFNJ/TANF benefits eligibility for an AU of four, by notice dated September 8, 2020, the Agency terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibit R-3; see also N.J.A.C. 10:90-3.3(b) and DFD IT 19-21.

Petitioner testified that she only received UIB payments on September 21, 2020, and on September 28, 2020, and that she did not receive any UIB payments in July, 2020, and August, 2020. See Initial Decision at 3. Petitioner was provided an opportunity to produced documentation supporting her claim of the "failed" deposits in July, August, and September, 2020, but failed to do so. *Ibid.* The ALJ found that Petitioner was given three weeks to produce the documentation, and when she did not produce the documents within that time frame, she did not seek additional time to provide the documents. *Id.* at 4-5. The ALJ further found that Petitioner's testimony was not credible, and that her assertions were contradicted by the evidence provided by the Agency. *Id.* at 5.

Based on the testimony and evidence presented, the ALJ concluded that Petitioner was ineligible for continued WFNJ/TANF benefits, and consequently, EA benefits. *Ibid.*; see also Exhibit R-3, Exhibit EA-R1, and N.J.A.C. 10:90-3.3(b), -6.2(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits was proper and must stand. *Ibid.*; see also Exhibits R-3, EA-R1. I agree.

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. Moreover, Petitioner included documents with her Exceptions which were not introduced before the ALJ at the hearing. I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ. See N.J.A.C. 1:1-18.4(c).

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.

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

Officially approved final version.

JUN - 3 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 02320-21 R.M.

AGENCY DKT. NO. C081400018 (SOMERSET COUNTY BOARD 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 payment of back rent. The Agency denied Petitioner EA/TRA benefits, contending that he was seeking more than three-months back rent and that he had sufficient income to pay his rent, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 6, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On April 16, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for EA/TRA benefits in the form of six months of back rent. See Initial Decision at 2-3; see also Exhibit R-1 at 7-12, 39. Regulatory authority only allows for the payment of more than three-months back rent when extraordinary circumstances are proven. See N.J.A.C. 10:90-6.3(a)(5)(i). The record also reflects that Petitioner's monthly rent is \$1,800, and that his household income in the months of August 2020, through December 2020, was \$2,134.96, and thereafter, beginning January 2021, his household income is \$2,050. See Initial Decision at 2-3; see also Exhibit R-1 at 7-12, 17-26, and 27-31. Petitioner was, and is, also receiving Supplemental Nutrition Assistance Program ("SNAP") benefits at the maximum allowable benefit amount per month. See Initial Decision at 6; see also Exhibit R-1 at 32-33. The ALJ found that Petitioner had sufficient income to pay his rent during those six months, but failed to do so, and had failed to show that he had made any attempt to make a partial rent payment. See Initial Decision at 4-6; see also Exhibit R-1 at 17-26, 28-31, and N.J.A.C. 10:90-6.1(a)(1). The ALJ also found that Petitioner had failed to provide the Agency with documentation to show how he had spent his household funds during that time. *Id.* at 3-6; see also N.J.A.C. 10:90-6.1(b)(i)(ii). Further, the record also indicates that Petitioner's current income exceeds his housing costs, and on that basis, he is also ineligible for EA benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 7-12, 27, and N.J.A.C. 10:90-6.1(a)(1). Based on the foregoing, I concur with the ALJ's conclusion that the Agency's denial of EA/TRA benefits to Petitioner was proper and must stand. See Initial Decision at 6; see also Exhibit R-1 at 3.

No Exceptions to the Initial Decision were received.



F,18,N,C081400018X,0027,000013747302

BARA003

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, 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. JUN - 3 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

REMAND DECISION

OAL DKT. NO. HPW 02476-21 S.B.

AGENCY DKT. NO. C091630003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, due to Petitioner's alleged failure to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 5, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. The record was held open for post-hearing submissions, which were received on April 12, 2021, and the record then closed. On April 21, 2021, the ALJ issued an Initial Decision, reversing 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 reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the record reflects that, on January 26, 2021, the Agency approved Petitioner's December 30, 2020, application for SNAP benefits. See Initial Decision at 2; see also Exhibit R-B. On January 8, 2021, the Agency requested that Petitioner provide, among other items, a Living Arrangement Affidavit ("LAA") signed by Petitioner and her child, with whom she reported as living in the household. See Initial Decision at 2; see also Exhibit R-F. Petitioner did not receive the Agency's January 8, 2021, request. See Initial Decision at 6. On January 27, 2021, the Agency mailed a copy of its original January 8, 2021, request for information to Petitioner. *Id.* at 2; see also Exhibit P-3. The January 27, 2021, request further advised Petitioner to return the requested information, specifically, the LAA, within 10 days of the date of the request.

Petitioner credibly testified that she received the Agency's January 27, 2021, request for an LAA on February 1, 2021. See Initial Decision at 4; see also Exhibit P-3. Petitioner further testified that she did not understand how to complete the LAA, and was unable to get in touch with anyone at the Agency



to assist her in completing the LAA. See Initial Decision at 4. On February 5, 2021, Petitioner hand-delivered her response to the Agency. Ibid. On February 18, 2021, the Agency denied Petitioner's application for SNAP benefits, effective February 1, 2021. See Initial Decision at 2; see also Exhibit R-A, P-7, P-8, and N.J.A.C. 10:87-2.14, -2.22(c)(1). In its denial, the Agency contended that Petitioner failed to provide "sufficient verification of household composition," specifically, that her child did not sign the verification. See Initial Decision at 5; see also Exhibit P-8.

The ALJ found, and the Agency concedes, that Petitioner should have been provided 30 days to respond to the Agency's request for more information. See Initial Decision at 7, 8; see also N.J.A.C. 10:87-2.27(e)(1). The ALJ further found that the Agency had an obligation to assist Petitioner in obtaining the proper verification, and that it had failed to do so. See Initial Decision at 7; see also N.J.A.C. 10:87-2.22(c)(1).

Based on the evidence presented, the ALJ concluded that on February 26, 2021, Petitioner provided the requested verification to determine household composition, which included Petitioner's child's signature. See Initial Decision at 8; see also Exhibit R-G. Accordingly, the ALJ reversed the Agency's denial of Petitioner's application for SNAP benefits. See Initial Decision at 8; see also Exhibits P-7, R-A, and N.J.A.C. 10:87-2.22, -2.27, -8.18.

While I agree with the ALJ, that Petitioner had provided the requested verification, pursuant to applicable regulatory authority, Petitioner can only be granted SNAP benefits upon a determination that Petitioner is, in fact, eligible for same. See N.J.A.C. 10:87-6.2. Accordingly, I am remanding this matter back to the Agency for action as follows. The Agency shall reevaluate Petitioner's eligibility for SNAP benefits as of December 30, 2020, based upon the documentation she was requested to provide to the Agency, and which, in fact, she did provide to the Agency, as demonstrated by the record in this matter. If Petitioner is determined to be eligible for SNAP benefits, Petitioner is to be provided retroactive SNAP benefits to December 30, 2020, the date of her application. See N.J.A.C. 10:87-8.18. Should Petitioner be denied SNAP benefits, based on the substantive review of the information in her application, she may request another fair hearing on that denial.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is hereby REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version.

JUN - 3 2021

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 20-035398 A.R.

AGENCY DKT. NO. R1573203 (THE CHILDREN'S HOME SOCIETY OF NJ)

On or about September 16, 2020, the Bureau of Administrative Review and Appeals ("BARA") received Petitioner's request for an Administrative Review. The Respondent Agency ("Agency") terminated Petitioner's New Jersey Cares for Kids/Child Care Assistance Program ("NJCK/CCAP") child care subsidy.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed this matter and I hereby AFFIRM the Agency's action.

It is well-established that parents receiving subsidized child care services are in need of child care services in order to remain employed or accept full-time employment, or to attend full-time educational and/or work/training programs. See N.J.A.C. 10:15-5.2(b), -5.3(a). In order to be eligible for subsidized child care services at redetermination, an applicant's maximum annual gross income must not exceed 250% of the Federal Poverty Level ("FPL") Guidelines. Ibid.; see also DFD Instruction ("DFDI") No. 21-03-02.

In the child care program, income is defined as the current gross income earned by all members of the family unit. See Child Care Operations Manual, III, General Provisions, Section (c), "Definitions," p. 10. It includes all earned and unearned income, and includes wages from salaries, overtime, tips, bonuses, commissions, winnings, and any other income required for federal and state tax reporting purposes. Ibid.

For child care purposes, self-employment income is earned income, received directly from one's own business, trade, or profession, instead of receiving a specified wage from an employer. See DFDI No. 16-12-01. In instances where the applicant is self-employed, the applicant must file a Schedule C with their 1040, and the Agency is required to utilize a standard deduction of 51%, in order to calculate the applicant's income and hours worked each week. Ibid. When broken down, the income/profit reflected on line 7 of the IRS Schedule C (Form 1040), must be equal to, or greater than, the hourly Federal minimum wage. Ibid. Income and wages are calculated as follows:



- a. A standard calculation deduction method is used by multiplying the gross income (noted on line 7 of IRS Schedule C (Form 1040)), by 51 percent to determine the amount of the deduction.
- b. Next, the gross income (noted on line 7 of IRS Schedule C (Form 1040)), is reduced by the amount of the deduction as calculated above to come up with the adjusted annual income.
- c. Further, the adjusted annual income, as determined in (b), is divided by 52 weeks, to determine the adjusted weekly income amount.
- d. Then, the adjusted weekly income amount will be divided by the minimum required hours to determine the hourly wage.
- e. Finally, the adjusted hour wage is compared to the Federal minimum wage to determine the number of hours worked per week. The Federal minimum wage can be found on the Federal Department of Labor website.

On October 8, 2020, BARA sent letters to Petitioner and the Agency requesting additional information necessary to conduct an Administrative Review. Both parties responded, providing the documentation which comprises the record for this Administrative Review.

A review of the documentation establishes that Petitioner and the co-applicant spouse, completed a redetermination application for a NJCK/CCAP subsidy on March 25, 2020. In support of their application, they provided, among other items, copies of Petitioner's paystubs, a copy of a residential lease agreement indicating Petitioner and co-applicant as landlords, and copies of checks indicating Petitioner's spouse as the recipient of a bi-weekly scholarship. Petitioner and co-applicant updated their redetermination application to include their 2019 Federal Income Tax return, which included a Schedule C form, because Petitioner's spouse, the co-applicant, is self-employed. After reviewing Petitioner's submissions, the Agency determined that Petitioner's gross income from employment totaled \$61,288.11; that Petitioner and co-applicant received \$8,700 (\$725 x 12 months) in rental income; that Petitioner and co-applicant received \$3,550 in dividend income from investments; that the co-applicant received \$4,472 (\$86 x 52 weeks) in scholarship income; and that income from the spouse's self-employment totaled \$91,942.13. The total amount of Petitioner and co-applicant's annual gross income was \$169,952.24 (\$61,288.11 + \$4,472 + \$8,700 + \$3,550 + 91,942.13). In 2020, the maximum allowable annual gross family income at redetermination for a family of 8 was \$110,300. See 2020-2021 Income Eligibility Schedules, effective March 1, 2020. The Agency further determined that Petitioner and co-applicant spouse's total household income from all sources exceeded the maximum allowed for continued eligibility. Also, because their family income was determined to be over the 85% of the 2020 NJ State Median Income, the Agency immediately terminated Petitioner's NJCK/CCAP subsidy, by notice dated September 10, 2020. Ibid.

In February, 2021, the Agency revised its calculation of Petitioner and the co-applicant's total household income. Specifically, the dividend income from investments was reduced to \$1,781, which reflects the actual amount received. Next, Petitioner's total gross employment income was increased to \$63,685.31, as the Agency previously used Petitioner's net income figures, instead of using gross figures. Lastly, the Agency calculated the household's annual gross income from self-employment using the figure from Line 7 of the Schedule C Form (\$144,163). The Agency previously calculated the self-employment income using the figure from Line 1 of the Schedule C Form (\$187,637).

Petitioner's self-employment income, utilizing the gross receipts listed on line 7 of the Schedule C form, totaled \$144,163. Next, the gross income is multiplied by the 51% standard deduction, $\$144,163 \times .51 = \$73,523.13$. This deduction is subtracted from the gross income to calculate Petitioner's adjusted annual income, $\$144,136 - \$73,523.13 = \$70,639.87$.



Therefore, according to the Agency's revised calculations, Petitioner and the co-applicant's total household income, comprised of Petitioner's revised income from employment (\$63,685.31), the household's revised income from dividends (\$1,781), the co-applicant's revised adjusted annual income from self-employment (\$70,639.87), the rental income (\$8,700), and the income from the scholarship (\$4,472), totaled \$149,278.18 ($\$63,685.31 + \$1,781 + \$70,639.87 + \$8,700 + \$4,472$).

Based on the foregoing, I find that Petitioner would still be ineligible for a child care subsidy, as the total household income totals \$149,278.18. As noted above, the maximum allowable annual gross family income at redetermination for a family of 8, was \$110,300. See 2020-2021 Income Eligibility Schedules, effective March 1, 2020. Therefore, I hereby AFFIRM the Agency's termination of Petitioner's child care subsidy.

By way of comment, Petitioner is without prejudice to reapply for a child care subsidy should her circumstances change.

Accordingly, the Agency's decision in this matter is hereby AFFIRMED.

Officially approved final version.

JUN - 3 2021

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

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 04120-21 A.N.

AGENCY DKT. NO. C618436007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA benefits, contending that no current emergency existed. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 13, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 14, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner is not homeless or imminently homeless, and as such, she is ineligible for EA/TRA benefits. See Initial Decision at 3-5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). Moreover, the record reflects that, at the time Petitioner applied for EA/TRA benefits, she was not a Work First New Jersey ("WFNJ") or Supplemental Security Income ("SSI") benefits recipient, and on that basis, the ALJ also found that Petitioner was ineligible for EA/TRA benefits. See Initial Decision at 3-5; see also Exhibit R-2, and N.J.A.C. 10:90-6.2(a). Based on the foregoing, the ALJ concluded that that Agency's denial of EA/TRA benefits to Petitioner was proper and must stand. See Initial Decision at 6; 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.

By way of comment, as no adverse action had been taken by the Agency, with respect to the issue of Petitioner's voluntary quit of employment, that issue has not been addressed in this Final Agency Decision. See Initial Decision at 3-5; see also Exhibit R-1.



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

Officially approved final version.

JUN - 8 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 04553-21 K.M.

AGENCY DKT. NO. C090584018 (SOMERSET COUNTY BOARD 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 a security deposit and three months rent. The Agency denied Petitioner EA/TRA benefits, contending that the apartment she had located was over the Fair Market Rent ("FMR") for Somerset County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 27, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 28, 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.

N.J.A.C. 10:90-6.3(a)(7) states, in pertinent part, "The Agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current Fair Market Rent ("FMR")[.] Amounts in excess of the current FMR will require prior approval and authorization of subsidy level by DFD[.]"

Here, the record reflects that the monthly rent of \$1,720 on the one-bedroom apartment that Petitioner had located, is over the allowable FMR of \$1,371 for a one-bedroom apartment in Somerset County. See Initial Decision at 2-3; see also R-1 at Exhibit 3, and DFD Informational Transmittal ("IT") No. 20-26. Although Petitioner claimed that her brother would be moving into the apartment and helping out with the rent, the ALJ found that Petitioner had failed to substantiate that claim. See Initial Decision at 2-3. Based on the foregoing, the ALJ determined that Petitioner is ineligible for EA/TRA benefits. See Initial Decision at 3-4. Accordingly, the ALJ concluded that the Agency's denial of EA/TRA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also R-1 at Exhibit 5, and N.J.A.C. 10:90-6.3(a)(7)(i)(1). I agree.

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



Officially approved final version.

JUN 10 2021

Natasha Johnson
Assistant Commissioner





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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 00982-21 I.K.

AGENCY DKT. NO. C051308001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

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 his total monthly income put him over the maximum allowable benefit level for continued receipt of WFNJ/GA benefits, and terminated Petitioner's EA benefits because he was no longer a WFNJ cash 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. A hearing was initially scheduled for March 19, 2021, but was adjourned at the request of Petitioner. The matter was rescheduled and on April 30, 2021, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 5, 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, based on the discussion below.

In order to be eligible for WFNJ/GA benefits, the total countable income of the unemployable single adult, or couple without dependent children, must be equal to or less than the maximum benefit payment level for the size of the assistance unit as set out in Schedule V at N.J.A.C. 10:90-3.6(a). See N.J.A.C. 10:90-3.1(b)(1). Effective July 1, 2019, the benefit level for an unemployable WFNJ/GA assistance unit that consists of one individual is \$277 per month. See N.J.A.C. 10:90-3.6(a); see also DFD Informational Transmittal ("IT") No. 19-12.

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

Here, the record reflects that in October, 2020, the Agency learned that Petitioner was receiving Retirement, Survivors and Disability Insurance ("RSDI") benefits in the monthly amount of \$927. See





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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 03905-21 L.B.

AGENCY DKT. NO. C175110002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's calculation of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. Petitioner's SNAP benefits allotment was reduced at recertification due to the household's increase in unearned income in the form of Retirement, Survivors and Disability Insurance ("RSDI") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 20, 2021, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 27, 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 ("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, 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).

In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. N.J.A.C. 10:87-6.16 outlines the procedures used to calculate net income and benefit levels for SNAP recipients. The regulation provides that the applicant's monthly net income is determined by adding together all earned and unearned income, then subtracting all income exclusions. Then, the standard deduction, based upon the size of the household, is subtracted from the income.



Thereafter, the household is evaluated to determine if a medical deduction is appropriate, which is if the household has medical expenses that exceed \$35.00. If the household is entitled to a medical deduction, then the amount in excess of \$35.00 is subtracted from the applicant's income. Then, the applicant is evaluated for an excess shelter deduction. Such a deduction is permitted when the individual's shelter costs exceed 50% of their net income. If this deduction is allowable, then the difference between the shelter costs and the 50% net income, or up to the maximum allowable amount, is subtracted from the individual's income. The remaining figure is Petitioner's net income. This net income is then compared against the maximum allowable net income amount for the household's size, as outlined at N.J.A.C. 10:87-12.3, to determine eligibility. If eligible, the household's monthly SNAP allotment shall be equal to the maximum food stamp allotment for the household's size, reduced by 30 percent of the household's net monthly income. See N.J.A.C. 10:87-12.6(a)(1).

Here, an independent review of the record shows that Petitioner's household consists solely of Petitioner, and that the household's monthly gross income is \$1,443, now comprised of monthly RSDI benefits, while Petitioner had previously received Supplemental Security Income ("SSI") benefits. See Initial Decision at 2; see also Exhibit R-1 at 2, 3, and N.J.A.C. 10:87-5.5(a)(2) and -6.16(b)(3). The household has no monthly earned income. See N.J.A.C. 10:87-6.16(b)(2). After subtracting the standard deduction of \$167 for a household of one, and the excess medical deduction over \$35.00, or \$114 (\$149 - \$35), from the total of \$1,443 the household's income is reduced to \$1,162. See N.J.A.C. 10:87-6.16(b)(4); see also DFDI Instruction ("DFDI") 20-09-04 at 11. Next is to determine if Petitioner receives a shelter deduction and if so, how much. Petitioner's shelter costs are \$162, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which equals \$710. See N.J.A.C. 10:87-6.16(b)(8); see also DFDI 20-09-04 at 11, and Exhibit R-1 at 6. Subtracted from that amount is 50% of Petitioner's income after the above deductions, or half of \$1,162, which is \$581, (\$710 - \$581), resulting in an excess shelter deduction of \$129. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions (((\$1,443 - \$167 - \$114) - \$129), resulting in a net monthly SNAP income of \$1,033. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit R-1 at 5. That amount is then multiplied by .3 and rounded up, or \$310. See N.J.A.C. 10:87-12.6(a)(1)(i)-(ii). That amount is then subtracted from the maximum benefit for a household of one, \$204 - \$310, resulting in a negative number. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also DFDI 20-09-04 at 11. However, as a household of one person, Petitioner's household is eligible for the minimum allotment amount, which, at the time of the Agency's redetermination in this matter, was \$19, and which was so reflected on the Agency's April 8, 2021, adverse action notice. See N.J.A.C. 10:87-12.6(a)(2); see also 7 CFR 273.10(e)(2)(ii)(C), DFDI 20-09-04 at 2, 11, and Exhibit R-1 at 6. I do note that both the maximum and minimum SNAP benefits allotments were increased by 15 percent, for the period January 1, 2021, through June 30, 2021, thus raising the minimum allotment amount for a household of one or two persons from \$16 to \$19. See DFDI 20-09-04 at 11, and DFDI 21-02-05. Based on the foregoing, I concur with the ALJ's finding that the Agency properly reduced Petitioner's monthly SNAP benefits allotment at recertification. See Initial Decision at 4; see also Exhibit R-1 at 6.

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

JUN 10 2021

Officially approved final version.

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 03796-21 B.B.

AGENCY DKT. NO. C089390018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

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 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 May 25, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On May 28, 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 considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby MODIFIED and the Agency determination is AFFIRMED, based on the discussion below.

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.

In accordance with N.J.A.C. 10:87-6.16(d)(2), in determining SNAP benefits eligibility, 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, the record reflects that Petitioner's SNAP household is comprised of three people. See Initial Decision at 2; see also Exhibit R-1 at 2. The record further shows that Petitioner's household has earned income, budgeted to the average monthly amount of \$3,733. See Initial Decision at 2; see also Exhibit R-1 at 6-9, 22. Petitioner does not dispute the amount of earned income, but asserted that the Agency had incorrectly included child support payments in the amount of \$73, for a total of \$3806 in gross income. See Initial Decision at 2; see also Exhibit R-1 at 14, 15 and N.J.A.C. 10:87-6.16(b). However, the record clearly indicates that the Agency subsequently recalculated Petitioner's eligibility for SNAP benefits with a household gross income of \$3733, and excluding the \$73 in child support payments. See Exhibit R-1 at 22. Even with the exclusion of the child support payments, Petitioner's household gross income of \$3733 exceeded the maximum gross income level of \$3,349 for SNAP benefits eligibility, and as such, Petitioner is no longer eligible for SNAP benefits. See Exhibit R-1 at 22, 24; see also DFD Instruction ("DFDI") 20-09-04 at 13.

Based on the foregoing, I agree with the ALJ's final conclusion that the Agency's termination of Petitioner's SNAP benefits, for excess income over the maximum permissible level, was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 24. However, the Initial Decision repeatedly states that Petitioner's income was over the net income allowable, but in this instance, as there was no elderly or handicapped individual in the household, Petitioner had to meet both the gross and the net income tests for SNAP eligibility. See N.J.A.C. 10:87-6.16(d)(2). As the analysis above reflects, Petitioner did not meet the gross income test, and on that basis, the Agency properly terminated Petitioner's SNAP benefits effective May 1, 2021. See Exhibit R-1 at 14, 15, 24. Additionally, it should be noted that if the gross income test is not met in cases such as this, calculation of the household's net income is unnecessary. The Initial Decision is thereby modified to reflect these findings.

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

Officially approved final version.

JUN 10 2021

Natasha Johnson
Assistant Commissioner





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Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 04432-21 L.J.

AGENCY DKT. NO. C205773004 (CAMDEN COUNTY BOARD 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, contending that she violated shelter rules, which resulted in her removal from said shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 20, 2021, but Petitioner failed to appear, and the hearing was rescheduled. On May 25, 2021, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On May 26, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, by notice dated March 15, 2021, the Agency terminated Petitioner's EA benefits, effective April 15, 2021, and imposed a six-month EA ineligibility penalty, contending that Petitioner had violated shelter rules, resulting in her termination from the first shelter placement, and thereafter, had failed to show up at her second shelter placement. See Initial Decision at 2-3; see also Exhibit R-1 at 2-5, 22-24. Said termination of Petitioner's EA benefits was based on "Vender Early Termination" notices from the shelters' program assistants to the Agency, on Agency letterhead, advising that certain shelter rules had allegedly been violated by Petitioner at her first placement, resulting in termination, and that she had failed to show up at her second shelter placement. See Initial Decision at 2-3; see also Exhibit R-1 at 6-11. However, no one from the shelter, nor anyone from the Agency with direct knowledge of the incident, was present at the hearing to attest to the truth of the claims made in those notices. See Initial Decision at 2-3. Accordingly, the ALJ found that the shelter notices, and the Agency's testimony, were hearsay within the dictates of the Residuum Rule, not supported by credible evidence in the record. See Initial Decision 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 violated shelter rules. See Initial Decision at 6; see also N.J.A.C. 10:90-6.3(c), (e). Further, the ALJ concluded that no documentary evidence or testimony regarding Petitioner's alleged shelter rule violations occurring after the Agency's March 15, 2021, termination notice would be considered as said alleged violations were not subject to this appeal. See Initial Decision at 4; see also Exhibit R-1 at 2-5, 12-17. Based on the foregoing, 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. See Initial Decision at 6-8; see also Exhibit R-1 at 2-5, and N.J.A.C. 1:1-15.5. I agree.

Exceptions to the Initial Decision were filed by the Agency on May 28, 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 shelter rule violations, 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.

JUN 10 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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DEPARTMENT OF HUMAN SERVICES
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NATASHA JOHNSON
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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 02866-21 W.C.

AGENCY DKT. NO. C058765017 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA/TRA benefits, contending that she had the capacity to plan to avoid her emergency, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 26, 2021, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 30, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that, at the time Petitioner applied for EA benefits, she owed past due rent for the months of October 2020, through December 2020. See Initial Decision at 2; see also Exhibit R-1 at 6-12. Petitioner's monthly rent is \$775 per month, and she has lived in her current apartment for 20 years. See Initial Decision at 2, 4; see also Exhibit R-1 at 26-31. The record also reflects that in 2017, Petitioner received a Workmen's Compensation settlement award in the amount of \$101,520, for an injury sustained in 2012, payable in biweekly amounts of \$846.00. See Initial Decision at 2-3; see also Exhibit R-1 at 14-15. Petitioner's last settlement payment was in October 2020. See Initial Decision at 2; see also Exhibit R-1 at 21. Petitioner had received \$500 from her family in November and December 2020. See Initial Decision 2-3; see also Exhibit R-1 at 22-23. Further, the record reflects that Petitioner had not worked since 2017, but had become employed in February 2021, with an annual salary of \$50,000, and has been able to pay her rent since that employment date. See Initial Decision at 4-5. The ALJ found that during the four years that Petitioner had been receiving her \$846 biweekly settlement payments, she had failed to plan for how she would pay her rent once such payments stopped, specifically, she had made no meaningful effort to look for work, and had failed to look for more affordable housing. *Id.* at 3-7. Further, the ALJ found that Petitioner had not used the \$500 amounts, provided by her family, towards the payment of her November or December 2020, rent. *Id.* at 3, 5; see also R-1 at 16, 22-23. Additionally, it does not appear from the record that Petitioner had demonstrated that her household income was spent on items deemed appropriate, necessary, or reasonable for decent living. See Initial Decision at 5; see also Exhibit R-1 at 16, 20-23, and N.J.A.C. 10:90-6.1(c)(1)(ii). Accordingly, the ALJ concluded that Petitioner had the realistic capacity to plan to avoid her emergency, but failed to do so, and as such, the Agency's denial of EA benefits to Petitioner



was proper and must stand. See Initial Decision at 6-9; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:90-6.1(c). 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.

JUN 15 2021

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 04549-21 M.H.

AGENCY DKT. NO. C769364007 (ESSEX COUNTY DIVISION OF WELFARE)

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, contending that he failed to provide required documentation regarding his whereabouts, and terminated Petitioner's EA benefits, contending that he abandoned his shelter placement, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 28, 2021, but was adjourned. On June 8, 2021, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open until June 14, 2021, to allow Petitioner the opportunity to provide medical documentation regarding his inability to walk up and down stairs. No such documentation was forthcoming, and the record then closed on that date.

On June 15, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner admittedly abandoned his shelter placement and had failed to advise the Agency of his whereabouts. See Initial Decision at 2, 4. Petitioner claimed that he had abandoned that shelter placement because his room was on the fourth floor, and that due to his medical condition, he had trouble walking up and down the stairs, and that the elevator was not reliable. *Id.* at 2. Although the record was held open for six days to allow Petitioner the opportunity to submit medical documentation to substantiate his claim, no such documentation was submitted. *Ibid.* Based on the foregoing, the ALJ concluded that Petitioner had caused his own homelessness, without good cause, and as such, concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. *Id.* at 2-4; see also N.J.A.C. 10:90-6.1(c)(3). I agree. Additionally, the ALJ concluded that Petitioner failed to provide the Agency with documentation regarding his whereabouts after he left the shelter, and accordingly, concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was also proper and must stand. See Initial Decision at 4; see also N.J.A.C. 10:90-2.2(a)(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.

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

Officially approved final version. JUN 15 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

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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 04653-21 J.P.

AGENCY DKT. NO. S482438014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 3, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On June 4, 2021, the ALJ issued an Initial Decision, finding that Petitioner was not presently homeless or imminently homeless, and as such, denied Petitioner's request for EA benefits at this time.

No Exceptions to the Initial Decision were received.

Following a review of the facts and the record in this matter, as Assistant Commissioner, Division of Family Development, Department of Human Services, I hereby DISMISS Petitioner's appeal, as Petitioner is not currently homeless or imminently homeless, and therefore, no contested case exists.

By way of comment, Petitioner is without prejudice to reapply for EA benefits, and should such application be denied by the Agency, Petitioner may request another fair hearing on that denial. However, Petitioner is reminded that the Agency "shall determine" the most appropriate form of emergency housing required to address the needs of an EA recipient, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

Accordingly, as no contested case exists in this matter, Petitioner's appeal is hereby DISMISSED.

Officially approved final version.

JUN 15 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
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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 03411-21 J.J.

AGENCY DKT. NO. C071961006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner challenges the correctness of the Respondent Agency's calculation of his Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. Petitioner's SNAP benefits allotment was reduced at recertification due to the household's increase in income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 12, 2021, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open and then closed on May 14, 2021. On May 27, 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 ("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, 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. 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 order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. N.J.A.C. 10:87-6.16 outlines the procedures used to calculate net income and benefit levels for SNAP recipients. The regulation provides that the applicant's monthly net income is determined by adding together all earned and unearned income, then subtracting all income exclusions. Then, the standard deduction, based upon the size of the household, is subtracted from the income.



Thereafter, the household is evaluated to determine if a medical deduction is appropriate, which is if the household has medical expenses that exceed \$35.00. If the household is entitled to a medical deduction, then the amount in excess of \$35.00 is subtracted from the applicant's income. Then, the applicant is evaluated for an excess shelter deduction. Such a deduction is permitted when the individual's shelter costs exceed 50% of their net income. If this deduction is allowable, then the difference between the shelter costs and the 50% net income, or up to the maximum allowable amount, is subtracted from the individual's income. The remaining figure is Petitioner's net income. This net income is then compared against the maximum allowable net income amount for the household's size, as outlined at N.J.A.C. 10:87-12.3, to determine eligibility. If eligible, the household's monthly SNAP allotment shall be equal to the maximum food stamp allotment for the household's size, reduced by 30 percent of the household's net monthly income. See N.J.A.C. 10:87-12.6(a)(1).

Here, an independent review of the record shows that Petitioner's household consists solely of Petitioner, and that the household's total monthly gross income is comprised of monthly earned income in the amount of \$973 per month, and unearned income, in the form of Unemployment Insurance Benefits ("UIB"), in the amount of \$992 per month. See Initial Decision at 2; see also Exhibit R-1 at 10-15, and N.J.A.C. 10:87-5.5(a)(2) and -6.16(b)(2), (3). A further review of the record reveals that the Agency correctly applied the appropriate deductions, to arrive at the net SNAP income of \$1082.10. See Exhibit R 1 at 6 7; see also DFDI Instruction ("DFDI") 20 09 04 at 11. That amount is then multiplied by .3 and rounded up, or \$325. See N.J.A.C. 10:87-12.6(a)(1)(i)-(ii). That amount is then subtracted from the maximum benefit for a household of one, \$204 - \$325, resulting in a negative number. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also DFDI 20-09-04 at 11. However, as a household of one person, Petitioner's household is eligible for the minimum allotment amount, which, at the time of the Agency's recertification in this matter, was \$19, and which was so reflected on the Agency's March 26, 2021, adverse action notice. See N.J.A.C. 10:87-12.6(a)(2); see also 7 CFR 273.10(e)(2)(ii)(C), DFDI 20-09-04 at 2, 11, and Exhibit R-1 at 2, 8. I do note that both the maximum and minimum SNAP benefits allotments were increased by 15 percent, for the period January 1, 2021, through June 30, 2021, thus raising the minimum allotment amount for a household of one or two persons from \$16 to \$19. See DFDI 20-09-04 at 11, and DFDI 21-02-05. Based on the foregoing, I concur with the ALJ's finding that the Agency properly reduced Petitioner's monthly SNAP benefits allotment at recertification. See Initial Decision at 4; see also Exhibit R-1 at 2.

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

JUN 15 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

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SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 03029-21 J.T.

AGENCY DKT. NO. C042377017 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's reduction of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency reduced Petitioner's WFNJ/TANF benefits due to her receipt of Retirement, Survivors, and Disability Insurance ("RSDI") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 26, 2021, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 30, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects on March 11, 2021, the Agency discovered that Petitioner had been receiving RSDI income in the monthly amount of \$386, since May 2008, and as such, it was determined that Petitioner was ineligible for WFNJ/TANF benefits, and therefore, no longer a part of her household's WFNJ benefits assistance unit. See Initial Decision at 2, 4; see also Exhibit R-1 at 5, and N.J.A.C. 10:90-3.1(a). Further, the Agency attributed Petitioner's RSDI income to the household, consisting of the remaining eligible assistance unit of five, and accordingly, reduced the assistance unit's WFNJ/TANF benefits from \$728 per month to \$342 per month. See Initial Decision at 2-4; see also Exhibit R-1 at 6, 7-9, and N.J.A.C. 10:90-3.9(a), (b), (e). The ALJ found that the Agency had properly excluded Petitioner from the WFNJ/TANF benefits assistance unit, had appropriately included Petitioner's RSDI benefits as household income, and had accurately reduced Petitioner's WFNJ/TANF benefits amount. See Initial Decision at 4-5. Based on the foregoing, the ALJ concluded that the Agency's reduction of Petitioner's WFNJ/TANF benefits from \$728 per month to \$342 per month, was proper and must stand. *Id.* at 5; see also Exhibit R-1 at 1-4. 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.

JUN 15 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

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NATASHA JOHNSON
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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 04748-21 L.O.

AGENCY DKT. NO. C026552002 (BERGEN 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 had abandoned shelter placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 7, 2021, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 8, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner admittedly abandoned her shelter placement claiming that the conditions at said shelter were unsuitable for her health. See Initial Decision at 2-3; see also Exhibit R-4. Further, the record reflects that Petitioner did not advise the Agency of any complaints that she had with that shelter placement. See Initial Decision at 4; see also Exhibit R-4. Of note, I find that the record is devoid of any documentation to substantiate Petitioner's "good cause" claim that the conditions of the shelter placement were unhealthy. See Initial Decision at 3. Additionally, the ALJ also found that Petitioner had the capacity to plan for permanent housing with the additional COVID stimulus funds she had received, together with her monthly Supplemental Security Income of \$825, but failed to do so. See Initial Decision at 2-3, 5; see also Exhibit R-1 at 6, and N.J.A.C. 10:90-6.1(c)(3)(v). Based on the testimony and evidentiary record provided, the ALJ concluded that Petitioner had caused her own homelessness when she abandoned her shelter placement and failed to plan, and as such, further concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 2-5; see also Exhibit R-1 at 3, and N.J.A.C. 10:90-6.1(c)(3)(vi), and Division of Family Development Instruction ("DFDI") No. 21-02-03. I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on June 9, 2021. On June 10, 2021, a reply to the Exceptions was submitted by the Agency.

As Assistant Commissioner, DFD, 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, 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. JUN 15 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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SARAH ADELMAN
Acting Commissioner

NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 03069-21 V.M.

AGENCY DKT. NO. C119963011 (MERCER 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 had been approved for subsidized housing, failed to follow through with said housing application process, and refused subsidized housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 21, 2021 the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 11, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Counsel, on behalf of the Agency, on June 8, 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 the Agency's determination, based on the discussion below.

Here, the record reflects that Petitioner applied for, and was approved, for subsidized housing, contingent upon her completion of the application process. See Initial Decision at 2, 4; see also Exhibit R-13. However, despite numerous follow-up notices and phone calls from the subsidized housing authority, Petitioner failed to complete the application process. See Initial Decision at 2-5; see also Exhibit R-12 at 3-5. Consequently, on September 11, 2020, Petitioner was denied subsidized housing. See Initial Decision at 3; see also Exhibit R-12 at 1-2. Petitioner admittedly failed to complete the application process claiming that she had refused the subsidized housing offered because it was in an unsafe neighborhood, and that she had made plans to live with her brother. See Initial Decision at 4-6. Petitioner's plan to live with her brother did not materialize, and moreover, the ALJ found that Petitioner had failed to substantiate her claim that said subsidized housing was inappropriate. Id. at 6-7. Further, the record indicates that Petitioner's mental and physical health claims did not inhibit her ability to follow through with the subsidized housing application process. See Initial Decision at 3-4, 6-7, and N.J.A.C. 10:90-6.3(g). Based on the foregoing, the ALJ concluded that Petitioner had failed to demonstrate good cause for failing to accept the subsidized housing offered, and as such, further concluded that the Agency's February 26, 2021, termination of Petitioner's EA benefits, effective March



31, 2021, was proper and must stand. See Initial Decision at 5-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3), and DFD Instruction 21-02-03. I agree. However, based on the substance of the Initial Decision as a whole, and the ALJ's conclusion affirming the Agency's termination of Petitioner's EA benefits, I hereby modify the Initial Decision to correct the ALJ's "Order" which erroneously states that the Agency's termination of Petitioner's EA benefits is "REVERSED." See Initial Decision at 7.

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.

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

Officially approved final version.

JUN 17 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

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SARAH ADELMAN
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NATASHA JOHNSON
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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

REMAND DECISION

OAL DKT. NO. HPW 01152-21 Y.V.

AGENCY DKT. NO. C133402001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, due to Petitioner's failure to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic hearing was scheduled for April 9, 2021, but was adjourned to allow Petitioner time to retain counsel. On April 16, 2021, Petitioner's counsel entered an appearance, and requested an adjournment, which was granted. On May 14, 2021, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On May 20, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on May 27, 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 ADOPT the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the record reflects that, on October 22, 2020, Petitioner submitted an application for SNAP benefits for a three-person household, comprising herself, her child, D.V., and D.V.'s spouse, P.V. See Initial Decision at 2; see also Exhibit R-1 at 17-34. On October 26, 2020, the Agency attempted to contact Petitioner by telephone to request information regarding Petitioner's household composition. See Initial Decision at 2; see also Exhibit R-1 at 9. As the Agency was unable to reach Petitioner by telephone, the caseworker left a voicemail message. See Initial Decision at 2. On that same date, the Agency requested that Petitioner provide, among other items, information regarding the household composition, and most recent paystubs for the members of the household. See Initial Decision at 3; see also Exhibit R-1 at 3-4. On November 5, 2020, Petitioner provided the Agency with some of the items requested on October 26, 2020, but did not provide any information, financial or otherwise, as related to D.V. and P.V., and no copies of shelter expenses were provided. See Initial



Decision at 3; see also Exhibits P-1, R-1 at 36-38. Thereafter, on November 19, 2020, and on November 23, 2020, the Agency attempted to contact Petitioner, but was unsuccessful on both occasions. See Initial Decision at 3; see also Exhibit R-1 at 9.

On November 23, 2020, the Agency denied Petitioner's application for SNAP benefits. See Initial Decision at 3; see also Exhibit R-1 at 1-2, and N.J.A.C. 10:87-2.14. In its denial, the Agency indicated that Petitioner failed to provide "all the information needed to process your application." See Initial Decision at 5; see also Exhibit R-1 at 1.

D.V. testified that she had assisted Petitioner with filing her application for SNAP benefits, and while she and her spouse did live with Petitioner, they (D.V. and P.V) did not provide any financial information, because the benefits were being sought only for Petitioner. See Initial Decision at 4.

The ALJ found that when the Agency received no return call or clarification on Petitioner's household composition, the Agency did not conform to the procedures, as outlined in DFDI Instruction (hereafter, "DFDI") No. 20-09-02; specifically, instead of sending Form SNAP-33 to Petitioner seeking additional verification, Petitioner should have been provided a Form SNAP-34, namely, a Request for Contact form, requesting additional information, and this was not done. See Initial Decision at 7; see also Exhibit R-1 at 3-4.

Accordingly, the ALJ reversed the Agency's denial of Petitioner's application for SNAP benefits, and remanded the matter back to the Agency so that it may process Petitioner's in accordance with DFDI 20-09-02. See Initial Decision at 7; see also Exhibit R-1 at 1-2, and N.J.A.C. 10:87-2.14.

While I agree with the ALJ, that Petitioner should have been provided with a Form SNAP-34, pursuant to applicable regulatory authority, Petitioner can only be granted SNAP benefits upon a determination that Petitioner is, in fact, eligible for same. See N.J.A.C. 10:87-6.2. Accordingly, I am remanding this matter back to the Agency for action as follows. The Agency shall immediately send to Petitioner a Request for Contact form (Form SNAP-34), which must be returned to the Agency in a timely manner. The Agency shall reevaluate Petitioner's eligibility for SNAP benefits as of October 22, 2020, the date of Petitioner's application. If Petitioner is determined to be eligible for SNAP benefits, Petitioner is to be provided with retroactive SNAP benefits to October 22, 2020, the date of her application. See N.J.A.C. 10:87-8.18. Should Petitioner be denied SNAP benefits based upon the substantive review of her application, Petitioner may request another fair hearing on that denial.

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

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is hereby REVERSED, and the matter is REMANDED to the Agency, as outlined above.

JUN 17 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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DEPARTMENT OF HUMAN SERVICES
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SARAH ADELMAN
Acting Commissioner

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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 04748-21 L.O.

AGENCY DKT. NO. C026552002 (BERGEN COUNTY BD. OF SOC. SVCS.)

A Final Agency Decision ("FAD") was issued in this matter on June 15, 2021. This Amended FAD is being issued to address submission of additional documentation filed by Petitioner's counsel on June 15, 2021, after the FAD in this matter had already been issued.

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had abandoned motel/shelter placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 7, 2021, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 8, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner admittedly abandoned her motel/shelter placement claiming that the conditions at said motel/shelter were unsuitable for her health. See Initial Decision at 2-3; see also Exhibit R-4. Further, the record reflects that Petitioner did not advise the Agency of any complaints that she had with that motel/shelter placement. See Initial Decision at 4; see also Exhibit R-4. Of note, I find that the record is devoid of any documentation to substantiate Petitioner's "good cause" claim that the conditions of the motel/shelter placement were unhealthy. See Initial Decision at 3. Additionally, the ALJ also found that Petitioner had the capacity to plan for permanent housing with the additional COVID stimulus funds she had received, together with her monthly Supplemental Security Income of \$825, but failed to do so. See Initial Decision at 2-3, 5; see also Exhibit R-1 at 6, and N.J.A.C. 10:90-6.1(c)(3)(v). Based on the testimony and evidentiary record provided, the ALJ concluded that Petitioner had caused her own homelessness when she abandoned her motel/shelter placement and failed to plan, and as such, further concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 2-5; see also Exhibit R-1 at 3, and N.J.A.C. 10:90-6.1(c)(3)(vi), and Division of Family Development Instruction ("DFDI") No. 21-02-03. I agree.



Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on June 9, 2021. On June 10, 2021, a reply to the Exceptions was submitted by the Agency. On June 15, 2021, additional documentation was submitted by Petitioner's counsel.

As Assistant Commissioner, DFD, 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, 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. Moreover, Petitioner submitted documentation for consideration which was 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.

By way of further comment, Petitioner is without prejudice to reapply for EA benefits.

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

Officially approved final version.

JUN 17 2021

Natasha Johnson
Assistant Commissioner





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 02654-21 A.H.

AGENCY DKT. NO. C152043003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, contending that she failed to cooperate with the Agency in processing her application for SNAP benefits, specifically, by not providing documents, as requested by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The matter was initially scheduled for April 12, 2021, but was adjourned at the request of both parties. On the rescheduled date of April 26, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open to allow both parties to provide additional information. On that same date, Petitioner sent an email, attaching a folder which purportedly contained copies of documents that were delivered to the Agency's drop box. The email, however, contained no attachment. On May 3, 2021, and on May 6, 2021, an email was sent to Petitioner requesting the documents. Petitioner did not respond to either the May 3, 2021, or the May 6, 2021, email, and the record then closed on May 12, 2021.

On May 21, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on January 20, 2021, Petitioner applied for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1. On January 26, 2021, the Agency requested that Petitioner provide, among other items, a copy of her spouse's Worker's Compensation Award Letter ("Award Letter"). See Initial Decision at 2; see also Exhibit R-3. Petitioner provided some of the requested items, but did not provide the Award Letter, and therefore, on February 24, 2021, the Agency denied Petitioner's application for SNAP benefits. See Initial Decision at 2-3; see also Exhibit R-3, and N.J.A.C. 10:87-2.25.

C.H., Petitioner's spouse, testified that he had tried to request the Award Letter, but was told that the person who handled his account was out of the office on extended leave. See Initial Decision at 3. C.H. further testified that he followed up with a letter advising the Agency of the issue, and was told that the letter would be sufficient, and nothing else would be needed. Ibid.; see also Exhibit R-6.

The ALJ found that Petitioner was given ample to provide a copy of the Award Letter, and did not do so. See Initial Decision at 4. The ALJ further found that the OAL notified Petitioner that her April 26, 2021, email did not include any attached documents, and that when the OAL followed up with two emails to Petitioner, and waited 13 days for a response, Petitioner failed to submit any additional documents. Ibid. Based on the foregoing, the ALJ concluded that the Agency was unable to determine Petitioner's eligibility for SNAP benefits, and affirmed the Agency's decision denying Petitioner SNAP benefits. See Initial Decision at 4-5; see also Exhibit R-2, and N.J.A.C. 10:87-2.25, -12.3. Based on an independent review of the record, I agree with the conclusion of the ALJ.

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 without prejudice to reapply for SNAP benefits, but must timely provide all documents, as requested by the Agency.

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

Officially approved final version.

JUN 17 2021

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

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 01732-21 R.B.

AGENCY DKT. NO. C142231003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency denied Petitioner SNAP benefits at recertification, 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. A hearing was initially scheduled for March 22, 2021, but was adjourned due to an administrative error by the Agency. The matter was rescheduled for April 7, 2021, and again adjourned because Petitioner had not received the fair hearing packet that had been emailed to her. The case was then rescheduled for April 13, 2021, and on that date, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record remained open for the parties to submit additional documentation. The record was then reopened on May 3, 2021, by the ALJ, seeking information as to the way which Petitioner's income, for eligibility purposes, had been calculated. Following receipt of the requested confirmation from the Agency, the record then closed on May 11, 2021. On May 26, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on June 10, 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, based on the discussion below.

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 order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. 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 only 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.

N.J.A.C. 10:87-6.16(b) further outlines the procedures used to calculate both gross and net income for SNAP benefits purposes, and the applicable benefit levels, if eligible. The regulation provides that the applicant's monthly net income is determined by adding together all earned and unearned income, then subtracting all income exclusions. Then, the standard deduction, based upon the size of the household, is subtracted from the income.

Thereafter, the household is evaluated to determine if a medical deduction is appropriate, which is if the household has medical expenses that exceed \$35.00. If the household is entitled to a medical deduction, then the amount in excess of \$35.00 is subtracted from the applicant's income. Then, the applicant is evaluated for an excess shelter deduction. Such a deduction is permitted when the individual's shelter costs exceed 50% of their net income. If this deduction is allowable, then the difference between the shelter costs and the 50% net income, or up to the maximum allowable amount, is subtracted from the individual's income. The remaining figure is Petitioner's net income for SNAP benefits purposes. This net income is then compared against the maximum allowable net income amount for the household's size, as outlined at N.J.A.C. 10:87-12.3, to determine eligibility. If eligible, the household's monthly SNAP allotment shall be equal to the maximum food stamp allotment for the household's size, reduced by 30 percent of the household's net monthly income. See N.J.A.C. 10:87-12.6(a)(1).

Here, an independent review of the record reflects that Petitioner's SNAP household is comprised solely of Petitioner, and that Petitioner is seventy-four years old. See Initial Decision at 2. Therefore, Petitioner is considered elderly for SNAP purposes and must meet only the net income test for SNAP eligibility. *Ibid.*; see also N.J.A.C. 10:87-2.34(a)(1) and N.J.A.C. 10:87-6.16(b)(1). The record further shows that, at the time of recertification, Petitioner had monthly earned income in the amount of \$2,096. See Initial Decision at 3; see also Exhibit R-4. 80 percent of that earned income is \$1676.80, which is then added to the household's unearned income, comprised of monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits of \$324, bringing the household's income to \$2,000.80. See N.J.A.C. 10:87-6.16(b)(2),(3). After subtracting the standard deduction of \$167 for a household of one, Petitioner's income is reduced to \$1,833.80. See N.J.A.C. 10:87-6.16(b)(4); see also DFDI Instruction ("DFDI") 20-09-04 at 11. Next, is to determine if Petitioner receives a shelter deduction and if so, how much. Petitioner's shelter costs total \$441, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which equals \$989. See N.J.A.C. 10:87-6.16(b)(8); see also DFDI 20-09-04 at 11. Subtracted from that amount is 50% of Petitioner's income after the above deductions, or half of \$1833.80, which is \$916.90, (\$989 - \$916.90), resulting in an excess shelter deduction of \$72.10. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions (((\$2,000.80 - \$167) - \$72.10), resulting in a net monthly SNAP income of \$1,761.70. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit R-4. For SNAP benefits eligibility, the maximum net income level for a household of one person is \$1,064. See DFDI 20-09-04 at 12. As Petitioner's calculated net income of \$1,761.70 exceeds the maximum income eligibility amount of \$1,064, 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, at recertification, was proper and must be affirmed. See Initial Decision at 6-7; see also Exhibit R-2.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments therein do not alter my decision in this matter. Moreover, Petitioner included documents with her 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.



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

JUN 17 2021

Officially approved final version.

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 02902-21 J.G.

AGENCY DKT. NO. C164052020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the correctness of an overissuance of Work First New Jersey/General Assistance ("WFNJ/GA"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. Respondent Agency asserts that for the period beginning April, 2020, through July, 2020, Petitioner received WFNJ/GA and SNAP benefits to which he was not entitled, and which must be repaid, as the result of a failure to report household unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 27, 2021, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On May 18, 2021, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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, based on the discussion below.

In accordance with regulatory authority, applicable to the WFNJ program, a recipient of WFNJ benefits 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).

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 WFNJ/GA and SNAP benefits to which he was not entitled. See Initial Decision at 4-5. The record in this matter reveals that Petitioner received WFNJ/GA and SNAP benefits during the months of April, May, June and July, 2020. See Initial Decision at 2-3. During this time period, Petitioner also received Temporary Disability Insurance ("TDI") benefits. Id. at 3. While Petitioner maintained that he had attempted to report his receipt of TDI benefits to the Agency, the Agency has no record of same. Id. at 2. Based on the record presented, the ALJ in this matter concluded that Petitioner was overissued WFNJ/GA and SNAP benefits to which he was not entitled during the time period claimed, in the amounts of \$740 and \$630 respectively, and as such, the Agency is entitled to recoup, and Petitioner must repay, the overissuances of WFNJ/GA and SNAP benefits to which he was not eligible to receive. See Initial Decision at 4-5; see also N.J.A.C. 10:90-3.21(a)(1) and N.J.A.C. 10:87-11.20(b), (e)(2). I agree.

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

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

Officially approved final version. JUN 22 2021

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
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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 04020-21 H.N.

AGENCY DKT. NO. C108537002 (BERGEN COUNTY BD. OF SOC. SVCS.)

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 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 May 27, 2021, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On June 1, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination and directing the Agency to recalculate Petitioner's SNAP eligibility alone, without his spouse for a period of disqualification.

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, and the Agency determination is AFFIRMED, based on the discussion below.

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 order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. 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. For a household of two persons, such as Petitioner's,



the maximum allowable gross income level is \$2,658, and the maximum allowable net income level for said household size is \$1,437. See DFD Instruction (“DFDI”) 20-09-04 at 12, 13.

Here, the record reflects that Petitioner’s SNAP household is comprised of two persons. See Initial Decision at 2; see also Exhibit R-1. It appears that Petitioner previously had a fair hearing scheduled on March 16, 2021. Ibid. During a pre-hearing conference for that fair hearing, Petitioner indicated this his spouse was no longer working. Ibid. Based on the changed circumstance, Petitioner withdrew his fair hearing request, and the Agency proceeded to verify that representation. Ibid. Upon contacting Petitioner’s wife’s employer, it was learned that the wife was still employed, and that the household’s total income was \$3,247, comprised of Petitioner’s wife’s earned income in the monthly amount of \$2,730, and Petitioner’s monthly Supplemental Security Income (“SSI”) benefits of \$517. Ibid. This amount is more than the maximum allowable gross income of \$2,658, and as such, the Agency notified Petitioner that the household’s SNAP benefits would terminated effective May 1, 2021. See Initial Decision at 2; see also Exhibit R-2 and DFDI 20-09-04 at 13. It should also be noted that the calculated SNAP net income for the household is \$1,953, which is also above the maximum allowable net income for SNAP eligibility of \$1,437. See Exhibit R-7; see also DFDI 20-09-04 at 12.

During the course of the fair hearing in this matter, Petitioner asserted that his wife has not worked since March, 2021. See Initial Decision at 2. Petitioner’s wife further explained that she has voluntarily ceased working since March, 2021, had not requested another work assignment from her employer, and has not filed for Unemployment Insurance Benefits (“UIB”). See Initial Decision at 3. Based on the foregoing, the ALJ concluded that Petitioner’s wife had voluntarily quit work, without good cause, and as such, she is subject to a period of disqualification from SNAP benefits. See Initial Decision at 4; see also N.J.A.C. 10:87-10.5(c)(2)(ii), (vi) (stating that only the household member found to have committed the voluntary quit is ineligible for SNAP benefits, and that for the first instance of such a violation, the person is disqualified from receipt of SNAP benefits for a period of one month). As Petitioner himself may be eligible for benefits for the period of time during which Petitioner’s wife is ineligible, the ALJ ordered the Agency to recalculate Petitioner’s eligibility alone, for the period of time that his wife is disqualified from SNAP benefits eligibility. See Initial Decision at 4.

While I agree with the ALJ, that Petitioner’s wife must be disqualified from the household for a voluntary cessation of employment, without good cause, and thus Petitioner alone would be the sole member of the SNAP household, regulatory authority nonetheless requires that the income of the disqualified household member must still be counted towards the household’s total income. See N.J.A.C. 10:87-7.7(b)(2); see also N.J.A.C. 10:87-10.5(c)(2)(ii) (stating that income from the ineligible household member shall be treated in accordance with N.J.A.C. 10:87-7.7(b)). As Petitioner’s household contains a disabled person, Petitioner must meet the net income eligibility level. See N.J.A.C. 10:87-6.16(b)(1). The maximum net income level for a household of one person (excluding Petitioner’s wife) is \$1,064. See DFDI 20-09-04 at 12. The household’s net income has been determined to be \$1,953, and therefore, Petitioner remains ineligible for SNAP benefits. See Exhibit R-7. The Initial Decision is modified to include these findings.

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

JUN 22 2021

Officially approved final version.

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
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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 04867-21 N.D.

AGENCY DKT. NO. S615054012 (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 had been evicted from her motel placement due to motel rule violations, and that she voluntarily abandoned her motel placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 14, 2021, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On June 15, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found Petitioner credible when she refuted the Agency's claims that she had been evicted from her motel placement for violating motel rules by damaging the inside of her motel room, and also refuted the Agency's claim that she had abandoned her motel placement. See Initial Decision at 2-8; see also Exhibit R-1 at 30, and N.J.A.C. 10:90-6.1(c)(3), -6.3(c)(2). The ALJ also found that the alleged motel room damage could have occurred during the time Petitioner had been absent from her motel placement, due to damage to her motel room door (caused by the father of her children during to a domestic violence incident) and medical issues, and at which time her previously damaged motel room door remained damaged and could not be secured or locked. See Initial Decision at 8; see also Exhibit R-1 at 26, 27, 28. Additionally, the ALJ found that Petitioner had not abandoned her motel placement, but rather that she had just been absent from her room while she was in the hospital, and thereafter recuperating at a relative's residence. See Initial Decision at 5-8. Further, the ALJ found that Petitioner had not been evicted from her motel placement due to any motel violation, as evidenced by the motel personnel's statement to the Agency that they had been unaware that Petitioner was not still residing in her motel room. Id. at 7-8. Finally, the ALJ found that the Agency had failed to provide any residuum of competent evidence to corroborate the alleged motel violation, an eviction of Petitioner from her motel placement, or the abandonment by Petitioner of her motel placement. Id. at 7-9; see also Exhibit R-1 at 26, 27, 28, 29, and N.J.A.C. 1:1-15.5. Based on the foregoing, the ALJ concluded that the Agency's termination of EA benefits was improper and must be reversed. See Initial Decision at 9-10; see also Exhibit R-1 at 30. I agree.



Exceptions to the Initial Decision were filed by the Agency on June 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, the record indicates that Petitioner had been referred to the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") due to mental health issues, but had failed to comply with such referral. See Initial Decision at 3; see also Exhibit R-1 at 32. Petitioner is advised that any future failure to comply with SAI/BHI may result in the termination of her EA benefits.

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.

Also, by way of comment, as the record indicates that Petitioner has an open case with the Division of Child Protection and Permanency ("DCPP"), a copy of the Initial and Final Decisions shall be forwarded to DCPP. See Initial Decision at 3.

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

Officially approved final version.

JUN 24 2021

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

NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 04933-21 A.D.

AGENCY DKT. NO. C708413007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the correctness of the Agency's Emergency Assistance ("EA") benefits furniture voucher allowance amount. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On June 11, 2021, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On June 14, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner requested EA benefits in the form of a furniture voucher. See Initial Decision at 4, 9; see also Exhibit R-1 at 9. The Agency approved Petitioner for a furniture voucher at the maximum regulatory amount of \$585 for an assistance unit of one person, such as Petitioner's. See Initial Decision at 8-9; see also Exhibit R-1 at 5-7, 9, and N.J.A.C. 10:90-6.3(a)(4)(i). Petitioner then purchased certain allowable items pursuant to said relevant regulatory authority, totaling \$584.95. See Initial Decision at 8; see also Exhibit R-1 at 13. However, Petitioner contended that she should have been granted additional furniture voucher funds for the purchase of the additional items that were included on the "Shopping Guide for Replacement of Furniture and Furnishing" ("Guide") and which were needed to ensure her "physical health and safety." See Initial Decision at 8-9; see also Exhibit R-1 at 14, and N.J.A.C. 10:90-6.3(a)(4). Nevertheless, the ALJ found that Petitioner had failed to provide any testimony or evidence to show that the Agency was permitted to bypass the monetary limitations set forth in the relevant regulation, or that the Agency had failed to correctly abide by said regulatory provision. See Initial Decision at 10; see also N.J.A.C. 10:90-6.3(a)(4)(i). Based on the foregoing, that ALJ concluded that the Agency had complied with, and had provided Petitioner with, the maximum allowable furniture voucher funds, and that Petitioner is not entitled to any additional EA benefits in the form of a furniture voucher. See Initial Decision at 10; see also Exhibit R-1 at 8-12. I agree.

Further, at the time of the hearing Petitioner raised multiple issues regarding the reimbursement of transportation charges and storage fees. See Initial Decision at 2-3. However, the ALJ found that those issues were not transmitted issues subject to this appeal, and as such, the OAL did not have jurisdiction over those matters. *Id.* at 4-8. Accordingly, such matters were not addressed in the Initial Decision. 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 AFFIRMED.

Officially approved final version.

JUN 24 2021

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 05040-21 M.H.

AGENCY DKT. NO. C182111007 (ESSEX COUNTY DIVISION OF WELFARE)

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, contending that she failed to provide the Agency with the required 12-month MED-1 form, and terminated Petitioner's EA benefits because she was no longer a WFNJ benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 17, 2021, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, and took testimony.

On June 17, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency terminated Petitioner's WFNJ/GA benefits, contending that she had provided it with a six-month MED-1 form, and not the 12-month MED-1 form required for WFNJ/GA eligibility. See Initial Decision at 2. Consequently, Petitioner's EA benefits were terminated because she was no longer a WFNJ benefits recipient. *Id.* at 1; see also N.J.A.C. 10:90-6.2(a). However, the record further indicates that, prior to the hearing, Petitioner had provided the Agency with the required 12-month MED-1 form, but that she had received no update from the Agency thereafter. See Initial Decision at 2. At the hearing, the Agency confirmed that Petitioner's 12-month MED-1 form had been received, was considered valid, and that it could not be ascertained why Petitioner's WFNJ/GA and EA benefits had been terminated, or why said benefits should remain terminated. *Ibid.* Further, the Agency testified that the termination of Petitioner's benefits may have been in error, and that the matter would be worked on internally. *Ibid.* Based on the foregoing, the ALJ concluded that Petitioner's WFNJ/GA benefits had been wrongfully terminated, and that Petitioner is permanently disabled as reflected in her 12-month MED-1 form currently held by the Agency. *Id.* at 3. The ALJ also concluded that Petitioner had not failed to comply with any WFNJ regulation or directive. *Ibid.* Accordingly, the ALJ further concluded that the Agency's termination of Petitioner's WFNJ/GA and EA benefits was improper and must be reversed, and that said benefits are to be reinstated immediately, retroactive to the date of termination. *Ibid.* 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.

JUN 24 2021

Natasha Johnson

Assistant Commissioner





State of New Jersey

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NATASHA JOHNSON
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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 02631-21 J.G.

AGENCY DKT. NO. C778294007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA"), benefits, specifically for the months of June, July and August, 2020, and the denial of WFNJ/GA benefits, at redetermination, due to excess income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 19, 2021, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 23, 2021, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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 June, 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 June, July, and August, 2020. Further, I find that this matter has now been rendered moot, and therefore DISMISS Petitioner's appeal with respect to the denial of EA benefits.

Additionally, with respect to the denial of WFNJ/GA benefits, at redetermination, an independent review of the record reflects that Petitioner returned to work in September, 2020, with a monthly earned income of \$918, and that her WFNJ/GA benefits case was closed effective October 1, 2020. See Exhibit R-1 at "Case notes." Based on that earned income, I agree with the Agency's determination to terminate Petitioner's WFNJ/GA case, effective October 1, 2020. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") No. 19-21.

Accordingly, the Agency's determination to deny Petitioner WNFJ/GA benefits at redetermination is hereby AFFIRMED. Further, with respect to the denial of EA benefits, that denial is rescinded, and the Agency is hereby ORDERED and DIRECTED to pay Petitioner's back rent for June, July and August 2020. Finally, as Petitioner's appeal on that issue has now been deemed moot, it is hereby DISMISSED.



Officially approved final version.

JUN 24 2021

Natasha Johnson

Assistant Commissioner





State of New Jersey

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

REMAND DECISION

OAL DKT. NO. HPW 02975-21 S.W.

AGENCY DKT. NO. C046672019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, contending that she failed to cooperate with the Agency in processing her application for SNAP benefits, specifically, by not providing documents as requested by the Agency pertaining to her oldest child. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for April 27, 2021, but was adjourned at the request of both parties, in order to procure additional information. On the rescheduled date of May 11, 2021, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On May 19, 2021, the ALJ issued an Initial Decision, reversing 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 reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, as discussed below.

Here, the record reflects that on February 3, 2021, Petitioner applied for SNAP benefits for a household of two people, including Petitioner, and her 18-year old child, M.J. See Initial Decision at 2; see also Exhibit R-1 at 5-22. Petitioner's application indicated that M.J. did not work in the last three years. See Exhibit R-1 at 1 and 9. Petitioner did not include her 20-year old child, J.J., who was a full-time college student, living out of state. See Initial Decision at 2; see also Exhibit P-1. The Agency discovered that M.J. worked during the fourth quarter of 2020. See Initial Decision at 2; see also Exhibit R-1 at 39. The Agency also discovered that J.J. was receiving Medicaid benefits and Unemployment Insurance Benefits ("UIB"), using Petitioner's home address. See Initial Decision at 2-3; see also Exhibit R-1 at 28-29, 30-31. On February 5, 2021, the Agency requested that Petitioner provide, among other items, copies of M.J.'s paystubs received within the last 30 days, or a letter indicating M.J.'s last day of work, and also provide J.J.'s current address, or if J.J. did reside in the home, provide a copy of J.J.'s UIB



claim. See Exhibit R-1 at 33-34. On February 14, 2021, Petitioner notified the Agency that M.J. did not receive any paystubs within the last 30 days, and that he received no income for the past six weeks. See Exhibit R-1 at 36. On February 15, 2021, Petitioner advised the Agency that J.J. had not resided with her since August, 2020, which is the reason why she did not include him in her application for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at 35. Petitioner did not provide verification of J.J.'s current address. See Exhibit R-1 at 2.

Thereafter, the Agency determined that J.J. must be included in an application for SNAP benefits to make it a SNAP application for a three-person household, and denied Petitioner's application for SNAP benefits for a household of two, on the basis that Petitioner failed to provide complete and/or verified information regarding J.J. See Initial Decision at 2-3; see also Exhibit R-1 at 1-2, and N.J.A.C. 10:87-2.27(e).

The ALJ found that J.J. is an out of state college student, does not reside in the household, and therefore, his resources or income must be excluded from Petitioner's household. See Initial Decision at 3; see also Exhibit P-1, and N.J.A.C. 10:87-3.14(e). Based on the foregoing, the ALJ concluded that Petitioner is eligible for SNAP benefits as household of two, that the Agency's decision to deny Petitioner's application for SNAP benefits must be reversed, and that the Agency grant Petitioner SNAP benefits retroactive to the date of her February 3, 2021, application. See Initial Decision at 4.

While I agree with the ALJ, that Petitioner's household is comprised of her and M.J., pursuant to applicable regulatory authority, Petitioner can only be granted SNAP benefits upon a determination that Petitioner is, in fact, eligible for same. See Exhibit R-1 at 9-26; see also N.J.A.C. 10:87-6.2. Accordingly, I am remanding this matter back to the Agency for action as follows. The Agency shall reevaluate Petitioner's eligibility for SNAP benefits as of February 3, 2021, based upon the documentation which she was requested to provide to the Agency, and which she did, in fact, provide, as demonstrated by the record in this matter. If Petitioner is determined to be eligible for SNAP benefits, based on the submitted documentation, Petitioner is to be provided with retroactive SNAP benefits to February 3, 2021, the date of her application. See N.J.A.C. 10:87-8.18. The Initial Decision is modified to reflect these findings.

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

Officially approved final version.

JUN 24 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 02068-21 A.C.

AGENCY DKT. NO. C107403015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of motel placement. The Agency denied Petitioner EA benefits, contending that he had refused appropriate residential housing placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An emergent hearing was initially scheduled for March 1, 2021, but was adjourned, as Petitioner had just retained counsel. At the request of Petitioner's counsel, a non-emergent hearing was scheduled for April 9, 2021. On that date, the Honorable Tricia M Caliguire, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record closed on April 23, 2021, upon receipt of Petitioner's post hearing brief. The Agency filed no post hearing submission. On May 6, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on May 18, 2021.

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, based on the testimony and documentation submitted into the record, I agree with the ALJ's conclusion that Petitioner failed to prove, by a preponderance of the credible evidence, that the Agency had improperly denied EA benefits to Petitioner on the basis that he had refused the appropriate residential housing placement offered to him by the Agency. See Initial Decision at 7-11. Particularly, I find that the letter submitted into the record, marked as Exhibit P-5, to corroborate Petitioner's claim that due to his mental health issues residential housing was not the appropriate form of housing for him, was not provided to the Agency prior to its February 24, 2021, denial of EA benefits to Petitioner. See Initial Decision at 3-6. Accordingly, I concur with the ALJ that the Agency had properly denied Petitioner EA benefits on February 24, 2021. *Id.* at 10-11; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(1).

However, based on an independent review of the record, it now seems that Petitioner is doing well with his substance abuse recovery, is taking his medications, is able to take care of his daily living needs, has no current motel violations, and has family and a mental health support system within Ocean



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County. See Initial Decision at 2-4. Further, based on the testimony provided by the Shore Haven Director, Petitioner's mental health provider, and the letters marked as Exhibits P-5 and R-8, I find that Petitioner may reapply for EA benefits. Ibid. Petitioner is instructed that at the time of his reapplication, he is to provide the Agency with additional documentation, such as, but not limited to, mental health and substance abuse treatment reports/records, Shore Haven's recommendations regarding appropriate housing and its detailed support system plan to assist Petitioner with navigating any independent living situation, such as motel/hotel placement or permanent housing. Upon receipt of such documentation, and taking into consideration Petitioner's particular circumstances, the Agency is directed to reevaluate the appropriate form housing to be offered to Petitioner. See N.J.A.C. 10:90-6.3(a)(1). The Initial Decision is modified to reflect these findings.

By way of comment, it is strongly recommended that Petitioner seek the assistance of legal counsel to help with his EA benefits reapplication process.

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 MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

JUN 24 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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SARAH ADELMAN
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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 02292-21 R.J.

AGENCY DKT. NO. C764606007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits because Petitioner's total household monthly unearned income exceeded the maximum permissible gross income level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 5, 2021, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On May 18, 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 considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby MODIFIED and the Agency determination is also MODIFIED, based on the discussion below.

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 order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. 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. N.J.A.C. 10:87-6.16(b) further outlines the procedures used to calculate both gross and net income for SNAP benefits purposes, and the applicable benefit



levels, if eligible. The regulation provides that the applicant's monthly net income is determined by adding together all earned and unearned income, then subtracting all income exclusions. Then, the standard deduction, based upon the size of the household, is subtracted from the income.

Thereafter, the household is evaluated to determine if a medical deduction is appropriate, which is if the household has medical expenses that exceed \$35.00. If the household is entitled to a medical deduction, then the amount in excess of \$35.00 is subtracted from the applicant's income. Then, the applicant is evaluated for an excess shelter deduction. Such a deduction is permitted when the individual's shelter costs exceed 50% of their net income. If this deduction is allowable, then the difference between the shelter costs and the 50% net income, or up to the maximum allowable amount, is subtracted from the individual's income. The remaining figure is Petitioner's net income for SNAP benefits purposes. This net income is then compared against the maximum allowable net income amount for the household's size, as outlined at N.J.A.C. 10:87-12.3, to determine eligibility. If eligible, the household's monthly SNAP allotment shall be equal to the maximum food stamp allotment for the household's size, reduced by 30 percent of the household's net monthly income. See N.J.A.C. 10:87-12.6(a)(1).

In the present matter, the ALJ opines that the sole question on appeal is whether or not Petitioner was given the proper shelter costs in the calculation of her benefits. See Initial Decision at 2. It should be noted that while actual shelter costs, i.e. rent and/or mortgage payments, are used in the SNAP eligibility determination, New Jersey uses a set amount for utility costs, rather than actual utility costs. See Exhibit P-3 ("Some states allow a set amount for utility costs instead of actual costs."); see also DFDI Instruction ("DFDI") 14-07-04. That set amount for utility costs, when a SNAP benefits applicant pays for heating or cooling expenses, separate from the rent/mortgage, is the Heating & Cooling Standard Utility Deduction ("HCSUA") and is the highest utility allowance given. See DFDI 14-07-04; see also DFDI 20-09-04 at 11. For households that do not incur separate heating or cooling expenses, but pay two separate utilities, such as telephone, water, sewer, etc., that household is entitled to the Limited Utility Expense ("LUA"), and for households with no other utility expense except a telephone charge, the Uniform Telephone Allowance ("UTA") is given. *Ibid.* In determining SNAP benefits eligibility, only one of the above utility allowances is given, not all three, and the amounts for each utility allowance is updated annually on October 1st. An independent review of the record shows that Petitioner was, in fact, given the current set utility amount for the HCSUA of \$548. See Exhibits R-3 at 11, R-4. Further, the record reflects that Petitioner's regular monthly mortgage payment, including taxes, is \$2,305.99. See Exhibit P-5. It appears, however, that the Agency utilized a slightly higher amount of \$2,351 for Petitioner's shelter/mortgage costs, and that amount will be used in the analysis below. See Exhibit R-4. Additionally, the applicable regulatory authority pertaining to calculation of the excess shelter deduction, as shall be outlined in detail below, is N.J.A.C. 10:87-6.16(b)(8).

Moving to the calculations to determine the household's SNAP eligibility, as Petitioner's household includes a disabled household member, only the net income test for eligibility must be met. See N.J.A.C. 10:87-6.16(b)(1). For a household of two persons, such as Petitioner's, the maximum allowable net income level for said household size is \$1,437. See DFDI 20-09-04 at 12. The record further reflects that Petitioner receives \$2,077 in monthly Retirement, Survivors and Disability Insurance ("RSDI") and Petitioner's child receives \$1,038 in monthly RSDI benefits for a household total of \$3,115 in unearned income. See Exhibits R-1, R-4, R-5. The record is devoid of any indication of any earned income in the household. After subtracting the correct standard deduction for a household of two of \$167, from the monthly unearned income total of \$3,115, Petitioner's household income is reduced to \$2,948. See N.J.A.C. 10:87-6.16(b)(4); see also DFDI 20-09-04 at 11. There is no indication that Petitioner has any medical expenses which exceed \$35. See N.J.A.C. 10:87-6.16(b)(5). Next is to determine if Petitioner receives a shelter deduction and if so, how much. Petitioner's total shelter costs are Petitioner's monthly mortgage payment, as discussed above, is \$2,351, plus the HCSUA of \$548, for total shelter costs of \$2,899. See N.J.A.C. 10:87-6.16(b)(8); see also DFDI 20-09-04 at 11. Subtracted from the total shelter



costs, \$2,899, is 50% of Petitioner's net monthly income after the above deductions, or half of \$2,948, which is \$1,474, resulting in an excess shelter deduction of \$1,425 (\$2,899 - \$1,474). See N.J.A.C. 10:87-6.16(b)(8). As Petitioner has a disabled household member, there is no cap on the excess shelter deduction. See N.J.A.C. 10:87-6.16(b)(9). Accordingly, Petitioner's total net monthly SNAP income is calculated as $\$3,115 - 167 - \$1,425 = \$1,523$. Ibid. That amount is then compared to maximum allowable net income chart, which reflects that the maximum allowable net income for a household of two is \$1,437. See DFDI 20-09-04 at 12; see also N.J.A.C. 10:87-6.16(d)(2). As Petitioner's net monthly SNAP income is more than the maximum allowable, Petitioner is not eligible for SNAP benefits. Based on the foregoing, and the record presented, I find that the Agency correctly calculated the excess shelter deduction in this matter, and furthermore, I find that the Agency correctly terminated Petitioner's SNAP benefits. See Exhibits R-2, R-4. However, as the above analysis shows, Petitioner did not meet the net income eligibility level, rather than the gross income eligibility level, as stated in the Agency's adverse action notice of January 29, 2021. See Exhibit R-1. Therefore, both the Initial Decision and the Agency's adverse action are modified, to include the above analysis and findings.

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

Officially approved final version. JUN 24 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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NATASHA JOHNSON
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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 02325-21 J.M.

AGENCY DKT. NO. C144769015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the correctness of an overissuance of Work First New Jersey/General Assistance ("WFNJ/GA benefits. Respondent Agency asserts that for the period beginning May, 2020, through August, 2020, Petitioner received WFNJ/GA benefits to which he was not entitled, and which must be repaid, as the result of a failure to report household unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 19, 2021, but Petitioner failed to appear. The matter was rescheduled for April 13, 2021, but Petitioner called in late for the hearing and the matter was adjourned. The matter was then rescheduled for May 7, 2021, and on that date, Petitioner requested additional time to retain counsel and matter was again adjourned. On May 14, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On May 26, 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 ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency action, based on the discussion below.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the AU'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. 10:90-3.1(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 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. Effective July 1, 2019, the benefit level for an



unemployable WFNJ/GA assistance unit that consists of one individual is \$277 per month. See N.J.A.C. 10:90-3.6(a); see also DFD IT No. 19-12.

In accordance with regulatory authority, applicable to the WFNJ program, a recipient of WFNJ benefits 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).

Pursuant to N.J.A.C. 10:90-3.11(e), "WFNJ assistance units shall be required to report any change in unearned income and circumstances that could affect eligibility and the benefit amount as soon as possible to the county or municipal agency, but in no event later than 10 calendar days of the date the change happened or in the case of earnings no later than 10 days from the date of receipt of the first paycheck." Further, "[r]eportable income and circumstance changes are defined as changes in sources or amounts of earned or unearned income[.]" See N.J.A.C. 10:90-3.11(e)(1).

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 WFNJ/GA benefits to which he was not entitled. See Initial Decision at 5-6. The record in this matter reveals that Petitioner received WFNJ/GA benefits during the months of May, June, July, and August, 2020. See Initial Decision at 2-4. During this time period, Petitioner also received Unemployment Insurance Benefits ("UIB") benefits, which he did not report to the Agency, despite a responsibility to do so. Id. at 2-3; see also Exhibit R-3 and N.J.A.C. 10:90-3.11(e). Upon his receipt of unearned income from UIB, Petitioner was no longer eligible to receive WFNJ/GA benefits, and as such, Petitioner received an overissuance of WFNJ/GA benefits to which he was not entitled during the time period claimed, and which must now be repaid. See N.J.A.C. 10:90-3.6(a) and N.J.A.C. 10:90-3.21(a)(1). Based on the record presented, the ALJ in this matter concluded that Petitioner was overissued WFNJ/GA benefits to which he was not entitled during the time period claimed, in the amount of \$1108, and as such, the Agency is entitled to recoup, and Petitioner must repay, the overissuance of WFNJ/GA benefits to which he was not eligible to receive, with adjustment for any aged-out amount. See Initial Decision at 6; see also N.J.A.C. 10:90-3.21(a)(1). I agree. However, the Initial Decision incorrectly cites to regulatory authority applicable to SNAP benefits cases, when the record indicates that Petitioner continues to receive SNAP benefits. See Initial Decision at 4-5. Accordingly, the Initial Decision is modified to include the correct regulatory authority, applicable to WFNJ benefits cases, as referenced and cited to above.

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

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

JUN 29 2021

Officially approved final version.

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 03024-21 T.H.

AGENCY DKT. NO. C415631016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner WFNJ/TANF benefits, contending that she failed to provide documentation required to determine her WFNJ/TANF benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 17, 2021, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 21, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had failed to provide the Agency with documentation regarding the source of income from which her court ordered child support payments were being garnished, and that such documentation was required by the Agency to determine her WFNJ/TANF benefits eligibility. See Initial Decision at 2-3; see also Exhibit R-1 at 3-7. The record reflects that Petitioner applied for WFNJ/TANF benefits on January 28, 2021, and that her child support payments were being garnished from her "Employer Wage" form November 12, 2021, through April 11, 2021, which the ALJ found was indicative of Petitioner being employed in some capacity or otherwise receiving regular funds. See Initial Decision at 2; see also Exhibit R-1 at 3-7. Petitioner claimed that she did not know from what income source her child support payments were being garnished as the record reflects that she was last employed in August 2019, and her Unemployment Insurance Benefits ("UIB") ceased on August 22, 2020. See Initial Decision at 3; see also Exhibit R-1 at 3, 14-18. Petitioner also claimed that her mother may have stolen her identity and was making the child support payments on her behalf. See Initial Decision at 3. At the hearing, Petitioner testified that she could not, at that time, provide the required documentation to the Agency. *Ibid.* Based on the foregoing, the ALJ concluded that Petitioner is the primary source of the information requested, that she cannot provide the required information, and that said information is necessary for the Agency to determine her WFNJ/TANF benefits eligibility. *Ibid.* Accordingly, the ALJ further concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was proper and must stand. *Id.* at 3-4; see also Exhibit P-1, and N.J.A.C. 10:90-1.6(a), -2.2(a)(5). I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on June 1, 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, 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.

JUN 29 2021

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

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 02076-21 N.M.

AGENCY DKT. NO. S600118012 (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 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 April 16, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until April 29, 2021, to allow Petitioner the opportunity to provide additional information. On May 6, 2021, the Agency was asked to provide additional information, which was provided that same day, and the record then closed.

On May 24, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner's son was, and continues to be, a recipient of SSI benefits as of March 2021, regardless of whether or not he had received an SSI benefits payment in March of 2021, and as such, Petitioner is eligible for EA benefits. See Initial Decision at 2-7; see also Exhibits P-1, R-10, R-13, R-17, and N.J.A.C. 10:90-6.1(e), -6.2(a), and Division of Family Development Instruction ("DFDI") No. 08-5-4 at 13. Moreover, the record reflects that Petitioner's son had been provided his March 2021, SSI benefits payment in February 2021, resulting in a double payment in February. See Initial Decision at 2; see also Exhibits P-1, R-9, R-12. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, on the basis that she was not a WFNJ or SSI benefits recipient, was improper and must be reversed. See Initial Decision at 6-7; see also Exhibit R-11. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, DFD, 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.

JUN 29 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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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 02356-21 C.R.

AGENCY DKT. NO. C773068007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, contending that she failed to cooperate with the Agency in processing her application for SNAP benefits, specifically, by not providing documents as requested by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The hearing was initially scheduled for May 6, 2021, but was adjourned a Petitioner's request, without objection. On the rescheduled date of May 18, 2021, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. By electronic mail dated June 1, 2021, the ALJ requested that the Agency provide additional documentation that it had referenced at the hearing, specifically, Petitioner's application, the denial letter, the NJ-SNAP 33 and/or NJ-SNAP 34, and the Agency's case file notes on Petitioner. As of June 4, 2021, the Agency had not provided the documents requested by the ALJ, and the record closed that day. On June 7, 2021, the ALJ issued an Initial Decision, reversing 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 reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, as discussed below.

Here, the record reflects that on August 20, 2020, Petitioner applied for SNAP benefits. See Initial Decision at 2. On November 19, 2020, the Agency requested that Petitioner provide, among other items, birth verifications, copies of telephone and utility bills, unemployment verification, and a Letter of Support. See Initial Decision at 3. That same day, via electronic mail, Petitioner provided most of the documents, but did not submit a Letter of Support, as she did not understand the request to submit same. *Id.* at 2, 3; see also Exhibit P-1. Having not received all of the information it had requested, on January 6, 2021, the Agency notified Petitioner that it had denied her application for SNAP benefits, for failing to provide the requested documentation. *Ibid.*, see also N.J.A.C. 10:87-2.27(e).



The ALJ found Petitioner to be credible when she testified that she had called the Agency several times, seeking clarification and assistance, but received no response from the Agency. See Initial Decision at 5. The Agency contends that since Petitioner could not show a confirmation of receipt of the documentation by the Agency, it would not acknowledge that the documents produced during the hearing, were previously submitted to the Agency. Id. at 2; see also Exhibit P-1. The ALJ concluded that the Agency provided no persuasive proof that Petitioner must also provide confirmation of the Agency's receipt, that Petitioner timely submitted the requested documentation, and that the Agency's decision to deny Petitioner's application for SNAP benefits must be reversed, and that the Agency grant Petitioner SNAP benefits retroactive to the date of her August 20, 2020, application. See Initial Decision at 7.

While I agree with the ALJ, that Petitioner provided the requested documentation to the Agency, pursuant to applicable regulatory authority, Petitioner can only be granted SNAP benefits upon a determination that Petitioner is, in fact, eligible for same. See N.J.A.C. 10:87-6.2. Accordingly, I am remanding this matter back to the Agency for action as follows. The Agency shall reevaluate Petitioner's eligibility for SNAP benefits as of August 20, 2020, based upon the documentation which she was requested to provide to the Agency, and which she did, in fact, provide, as demonstrated by the record in this matter. If Petitioner is determined to be eligible for SNAP benefits, based on the submitted documentation, Petitioner is to be provided with retroactive SNAP benefits to August 20, 2020, the date of her application. See N.J.A.C. 10:87-8.18. The Agency is directed to expedite the review of Petitioner's application. Should the evaluation for SNAP eligibility result in a denial of said benefits, Petitioner may request another fair hearing on that substantive denial. The Initial Decision is modified to reflect these findings.

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

Officially approved final version.

JUN 29 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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DEPARTMENT OF HUMAN SERVICES
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SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
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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

REMAND DECISION

OAL DKT. NO. HPW 02438-21 F.G.

AGENCY DKT. NO. C790314007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, contending that he failed to cooperate with the Agency in processing his application for SNAP benefits, specifically, by not providing documents as requested by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The hearing was initially scheduled for April 13, 2021, but was adjourned to allow the parties to submit documentation they intended to introduce at the hearing. On the rescheduled date of April 27, 2021, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties to submit post-hearing statements, and the record then closed on May 3, 2021. On June 3, 2021, the ALJ issued an Initial Decision, reversing 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 reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, as discussed below.

Here, the record reflects that on July 23, 2020, Petitioner applied for SNAP benefits. See Initial Decision at 2; see also Exhibit R-5. On August 19, 2020, the Agency requested that Petitioner provide, among other items, proof of residence, proof of income, copies of utility bills, photo identification, and a birth certificate. See Initial Decision at 2; see also Exhibit R-1. Having received no response to the Agency's August 19, 2020, request for information, on November 23, 2020, the Agency sent to Petitioner, a second request for information. See Initial Decision at 2; see also Exhibit R-2. Having received no response to its August 19, 2020, or November 23, 2020, requests for documents, the Agency denied Petitioner's application for SNAP benefits, for failing to provide the requested documentation. See Initial Decision at 2-3, 5; see also Exhibits R-3, R-6, and N.J.A.C. 10:87-2.27(e).

D.G., who handles some of Petitioner's affairs, testified on behalf of Petitioner, who is mentally disabled. See Initial Decision at 3; see also Exhibits P-4, P-5. D.G. testified that she was unaware of



the Agency's August 19, 2020, request for information, and that she first became aware of the Agency's request for documents when she received the November 23, 2020, request for information. Ibid. D.G. further testified that, when she became aware of the Agency's denial of Petitioner's application for SNAP benefits, on or around December 1, 2020, she made several calls to the Agency, in an effort to find out how to submit the documents the Agency had requested. See Initial Decision at 4; see also Exhibit P-5 at 2.

The ALJ found D.G. to be credible when she testified that, in addition to making several attempts to contact the Agency via telephone, she also submitted a contact form on the NJ Helps website requesting assistance, but received no response. See Initial Decision at 9. The ALJ further found that D.G.'s attempt to contact the Agency likely would have been to no avail, since the Agency denied Petitioner's SNAP application, and sent an adverse action letter one day after informing Petitioner to respond within 10 days, thereby cutting off Petitioner's right to obtain clarification about the documents the Agency had requested. See Initial Decision at 9-10; see also Exhibits R-2, R-3. The ALJ also found that Petitioner, through his family, made good faith attempts to obtain assistance in submitting the requested documentation, and that Petitioner was not at fault in failing to timely provide the requested documents to the Agency in order to process his application for SNAP benefits. Id. at 10. Accordingly, the ALJ concluded that the Agency's decision to deny Petitioner's application for SNAP benefits must be reversed, and that the Agency must grant Petitioner SNAP benefits retroactive to the date of his July 23, 2020, application. Ibid.; see also Exhibit R-4.

While I agree with the ALJ, pursuant to applicable regulatory authority, Petitioner can only be granted SNAP benefits upon a determination that Petitioner is, in fact, eligible for same. See N.J.A.C. 10:87-6.2. Accordingly, I am remanding this matter back to the Agency for action as follows. The Agency shall reevaluate Petitioner's eligibility for SNAP benefits as of July 23, 2020, based upon the documentation which he was requested to provide to the Agency, and which he did, in fact, provide. See Exhibit P-5. If Petitioner is determined to be eligible for SNAP benefits, based on the submitted documentation, Petitioner is to be provided with retroactive SNAP benefits to July 23, 2020, the date of his application. See N.J.A.C. 10:87-8.18. The Agency is directed to expedite the review of Petitioner's application. Should the evaluation for SNAP eligibility result in a denial of said benefits, Petitioner may request another fair hearing on that substantive denial. The Initial Decision is modified to reflect these findings.

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

Officially approved final version. JUN 29 2021

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

NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 02813-21 S.K.

AGENCY DKT. NO. C121571020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for 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 June 16, 2021, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On June 17, 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 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, based on the discussion below.

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.

In accordance with N.J.A.C. 10:87-6.16(d)(2), in determining SNAP benefits eligibility, 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). The maximum gross income for a household of three persons, such as Petitioner's, is \$3,349. See DFD Instruction ("DFDI") 20-09-04 at 13.



Here, the record reflects that Petitioner's SNAP household is comprised of three people. See Initial Decision at 2. While Petitioner maintained that she had intended to apply only for SNAP benefits for herself and her minor son, she nonetheless submitted her adult son's paystubs in support of her application. Id. at 2-3. Moreover, Petitioner testified that she sometimes shares food with her adult son and his children, thus further establishing that her adult son should be included as part of the SNAP household. Id. at 3; see also N.J.A.C. 10:87-2.2(a)(3). The record further shows that Petitioner's household has monthly earned income in the amount of \$4,346, and that Petitioner received monthly UIB benefits in the amount of \$1,205. See Initial Decision at 3; see also Exhibits P-5, P-6. Based on the foregoing, it is clear that Petitioner's household gross income exceeds the maximum gross income level of \$3,349 for SNAP benefits eligibility, and as such, the ALJ in this matter concluded that the Agency's denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-3 and DFDI 20-09-04 at 13. I agree.

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

Officially approved final version.

JUN 29 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
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SARAH ADELMAN
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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 02445-21 L.E.

AGENCY DKT. NO. S744353009 (HUDSON COUNTY DEPT OF FAM SVCS)

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, contending that Petitioner had failed to provide information and documentation necessary to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for April 22, 2021, at 9:00 AM. When Petitioner failed to call in for the hearing, the matter was marked as a "failure to appear." However, later that day, Petitioner sent an email to the Agency, stating that she could not get through on the phone in the morning, and the matter was then rescheduled. On May 19, 2021, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for the submission of additional documentation by the parties. The Agency submitted additional documents, while Petitioner did not, and the record then closed on May 26, 2021.

On June 4, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reveals that Petitioner applied for SNAP benefits, for herself only, on January 15, 2021. See Initial Decision at 2; see also Exhibit R-4. The record further reflects that the Agency was unable to reach Petitioner at either of the two telephone numbers Petitioner had provided in order to verify information that was needed for eligibility, and on January 22, 2021, the Agency denied Petitioner's application for SNAP benefits. See Initial Decision at 2, 4; see also Exhibit R-1 and N.J.A.C. 10:87-2.19. Petitioner admitted receiving the denial notice, and asserted that she had tried a number of times to telephone the Agency regarding her application, as well as reapplying for benefits online, but Petitioner did not submit any documentation to corroborate her representations. See Initial Decision at 3, 4. Based on the foregoing, the ALJ concluded that Petitioner had not provided the information required to be verified to determine eligibility, and as such, the Agency's denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 and N.J.A.C. 10:87-2.2, -2.19. 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, Petitioner is without prejudice to reapply for SNAP benefits, but must provide all information and documentation requested in order to determine eligibility.

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

Officially approved final version.

JUN 29 2021

Natasha Johnson
Assistant Commissioner





State of New Jersey

PHILIP D. MURPHY
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DEPARTMENT OF HUMAN SERVICES
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SARAH ADELMAN
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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 03984-21 S.C.

AGENCY DKT. NO. C161879002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"), and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA/TRA benefits, and imposed a six-month EA ineligibility penalty, contending that she had abandoned affordable housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 20, 2021, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 27, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that in May 2020, the Agency approved Petitioner for EA/TRA benefits for an apartment with a monthly rent of \$800, including all utilities, plus internet. See Initial Decision at 2; see also Exhibit R-1 at 6, 7-9. However, Petitioner never moved into that approved apartment, but rather, moved into another apartment in June 2020, with a monthly rent of \$1,350. See Initial Decision at 3, 5. Petitioner had never advised the Agency that she had moved into a different apartment, nor had she provided a copy of the new lease or name of the landlord, and moreover, the Agency had not authorized EA/TRA benefits for said apartment. *Id.* at 2-3, 5. Of import, the Agency continued to pay its contribution of EA/TRA benefits on the approved apartment through March 2021, until such time as it had discovered that Petitioner had not been living the apartment approved by the Agency. *Ibid.*; see also Exhibit R-1 at 5. Upon such discovery, that Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, on the basis that she had voluntarily vacated the approved EA/TRA benefits apartment, thereby causing her own homelessness. See Initial Decision at 2-3; see also Exhibit R-1 at 6, and N.J.A.C. 10:90-6.1(c)(3) The record also reflects that Petitioner owes \$10,000 in back rent for the unauthorized apartment. See Initial Decision at 3. Petitioner claimed that the EA/TRA benefits monthly payments were being transferred from the approved apartment landlord to the unauthorized apartment landlord. *Id.* at 3-4. Petitioner also claimed that she had moved into the unauthorized apartment because she was unable to move into the approved apartment due to the COVID pandemic, and storm damage. *Id.* at 3. Petitioner further claimed that she had attempted to contact the Agency on multiple occasions to advise them of her move into a different apartment, but was unsuccessful. *Ibid.* The ALJ found that Petitioner's claims were not credible and were unsubstantiated by any documentation. *Id.* at



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5. The ALJ also found that based upon Petitioner's income, the unauthorized apartment at \$1,350 per month rent was unaffordable for Petitioner. Id. at 2, 5. Based on the foregoing, the ALJ concluded that Petitioner had the capacity to avoid her emergent situation and had caused her own homelessness, and therefore, the Agency's termination of Petitioner's EA/TRA benefits, and imposition of a six-month EA ineligibility penalty, were proper and must stand. Id. at 5; see also Exhibit R-1 at 6, and N.J.A.C. 10:90-6.1(c)(3)(v), (vii), (viii). 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, as Petitioner has been receiving continued assistance pending the outcome of the fair hearing, her six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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.

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

Officially approved final version. JUN 29 2021

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 00856-21 V.V.

AGENCY DKT. NO. C074643012 (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 by smoking in his room. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic hearing was initially scheduled for April 6, 2021, but was adjourned at the request of the Agency. On May 11, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On May 27, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner was required to comply with motel/shelter rules. See Initial Decision at 2-3; see also Exhibits R-1 through R-5. The ALJ found, and the record substantiates, that Petitioner had violated motel rules by smoking in his room in violation of health and safety policies. See Initial Decision at 3; see also Exhibit R-8, and N.J.A.C. 10:90-6.3(c)(5). Specifically, the ALJ found that the Agency Inspector's testimony, first-hand observations, "Hotel Incident Form," along with photographic documentation, substantiated said motel rule violation by Petitioner. See Initial Decision at 3-5; see also Exhibits R-9, R-10. Although Petitioner disputed that he had been smoking in his motel room, the ALJ found Petitioner's testimony inconsistent with the facts and physical evidence found in his motel room, and therefore, not credible. See Initial Decision at 4-5. Based on the foregoing, the ALJ concluded that Petitioner had violated motel rules, by smoking in his room, 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 5-7; see also Exhibit R-11, and N.J.A.C. 10:90-6.3(c)(5). I agree.

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, of note, in instances such as this, where a violation of motel/shelter rules are at issue, it is the type of violation which is controlling, not the EA Service Plan. See Initial Decision at 2-3, 7; see also N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e).

By way of further comment, as Petitioner has been receiving continued assistance pending the outcome of the fair hearing, his six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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

Officially approved final version.

JUN 29 2021

Natasha Johnson
Assistant Commissioner

