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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **02468-24 J.A.**

AGENCY DKT. NO. **C073991008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") shelter placement for failure to complete his WFNJ/GA redetermination interview. The Agency also terminated Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits, contending that Petitioner was unable to be located. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On March 28, 2024, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 10, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination as to the WFNJ/GA and EA terminations, and reversing the Agency's termination of Petitioner's SNAP benefits.

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 as to the termination of WFNJ/GA and EA benefits, and REVERSE the Agency's termination of Petitioner's SNAP benefits, based on the discussion below.

Here, the record reflects that Petitioner applied for assistance in July 2023, at which time he was awarded WFNJ/GA benefits, effective July 13, 2023, and SNAP benefits effective July 19, 2023. See Initial Decision at 2. Further, Petitioner was provided EA shelter placement from July 2023 through December 31, 2023. *Ibid.*, see also Exhibit R-1 at 4. Notice of Petitioner's WFNJ/GA redetermination interview was issued November 15, 2023, by mail to Petitioner at the shelter address. See Exhibit R-1 at 3. Petitioner did not attend the telephonic redetermination interview on November 30, 2023, and the Agency then terminated his shelter placement effective the same date. See Initial Decision at 3; see also Exhibit R-1 at 5.

The Agency then issued notice to Petitioner, at the shelter address, on December 15, 2023, terminating his WFNJ/GA benefits effective December 2023, following Petitioner's failure to attend his WFNJ/GA redetermination interview. See Initial Decision at 2. On December 6, 2023, the Agency's SNAP unit was made aware, via internal Agency email, that Petitioner was terminated from his shelter placement, and on January 5, 2024, the Agency issued a notice, to the shelter address, advising Petitioner that his SNAP benefits would be terminated effective February 1, 2024, due to his whereabouts being unknown. *Id.* at 2-3; see also Exhibit R-1 at 5, 6, 15.

The record also reflects that Petitioner left the shelter on December 2, 2023, and Petitioner testified that he never received notice of the redetermination interview, although it was mailed to the shelter prior to his departure. See Initial Decision at



3-4. Petitioner testified that he used his brother's address on his SNAP application, in July 2023, because he believed the Agency would be able to locate him at that address. Id. at 4.

The record further reflects that the Agency had no record that Petitioner made contact with the Agency to indicate where he would be living upon leaving the shelter. Id. at 5. The Agency acknowledges that Petitioner was sent a SNAP termination letter to his last known address, the shelter, even though the Agency was clearly aware that he no longer resided at the shelter. Ibid.; see also Exhibit R-1 at 6, 15.

The ALJ in this matter found that the Agency had properly terminated Petitioner's WFNJ/GA benefits due to Petitioner not participating in his redetermination interview, nor providing the documents and information necessary to complete his redetermination. See Initial Decision at 8. The ALJ also found that the Agency had appropriately issued notice of the redetermination interview to Petitioner at his known mailing address during November 2023 and, upon leaving the shelter, that Petitioner did not inform the Agency of his new address. Ibid. The ALJ found it reasonable that the Agency had used the shelter address to send the WFNJ/GA termination letter on December 15, 2023, as it was the last known address for Petitioner. Ibid. As Petitioner did not participate in his redetermination interview, and failed to update his address within ten days of vacating the shelter, the ALJ found that the Agency had properly terminated the WFNJ/GA cash assistance, and because an individual must be a WFNJ or Supplemental Security Income ("SSI") benefits recipient to be eligible for EA benefits, the termination of the EA shelter placement was also appropriate. Id. at 9; see also N.J.A.C. 10:90-1.3(a), -6.2(a). I agree.

With respect to the SNAP benefits termination, the ALJ found that no testimony was provided as to what, if any, efforts were made by the Agency to verify Petitioner's residency for SNAP purposes after the Agency became aware of Petitioner's shelter placement termination. See Initial Decision at 10. The ALJ noted that no testimony was provided as to whether the Agency attempted to reach Petitioner by phone, even though his phone number appeared in the internal email from the EA unit to the SNAP unit. Ibid.; see also Exhibit R-1 at 6. Further, the ALJ found that the Agency sent correspondence to the Petitioner at the shelter address, even after the Agency became aware he had vacated the shelter. See Initial Decision at 10; see also Exhibit R-1 at 6. While using Petitioner's last known address was appropriate in most instances, and acknowledging that Petitioner was required, by regulation, to report a change in residency within ten days, the ALJ found that, with the outcome being SNAP benefits termination, it would be reasonable to expect the Agency to attempt to contact Petitioner by some other means, particularly in light of the SNAP unit's receipt of his phone number through an internal email, or from a review of his SNAP application for an alternative address. Ibid. Based on the foregoing, the ALJ concluded that the Agency's termination of SNAP due to "unknown whereabouts" was not reasonably supported by a preponderance of the evidence and that Petitioner's SNAP benefits should not have been terminated on February 1, 2024. See Initial Decision at 10-11; see also N.J.A.C. 10:87-9.5(b) and Exhibit R-1 at 6. Based on the record presented, I agree, and therefore direct that Petitioner be provided with retroactive SNAP benefits to February 1, 2024. See N.J.A.C. 10:87-8.18.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED as to the WFNJ/GA and EA terminations, and REVERSED as to the SNAP benefits termination.

Officially approved final version. May 16, 2024

Natasha Johnson
Assistant Commissioner

