



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **07491-24 L.S.**

AGENCY DKT. NO. **C201573009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA") benefits, and the termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner WFNJ/TANF benefits, contending that she has exhausted her lifetime limit of said benefits, denied Petitioner EA because she was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient, and terminated Petitioner's SNAP benefits due to receipt of unearned Unemployment Insurance Benefits ("UIB") income, which placed the household over the maximum allowable income level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 6, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On June 10, 2024, the ALJ issued an Initial Decision, affirming the Agency's denial of WFNJ/TANF and EA benefits, and reversing the Agency's termination of SNAP benefits. Here, the ALJ found that Petitioner had exhausted her 60-month lifetime limit of WFNJ/TANF benefits, and had not provided the required MED-1 form, needed by the Agency to determine her eligibility for an exemption from WFNJ/TANF benefits time limit. See Initial Decision at 2-3. However, the ALJ also found that the Agency had failed to advise Petitioner of the need for a MED-1 form, nor had it provided her with the MED-1 form for completion by her physician. *Id.* at 3. Based on the foregoing, the ALJ affirmed the Agency's denial of WFNJ/TANF benefits to Petitioner, without prejudice. *Id.* at 4-5; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-2.3(a), -2.4(a)(3). I agree. Further, although the record reflects that Petitioner may be over-income for receipt of WFNJ/TANF benefits, that issue was not a transmitted issue in this matter. See Initial Decision at 2-3; see also Exhibit R-1 at 14-17, and N.J.A.C. 10:90-3.1(b), -3.2(a), -3.3(a), and Division of Family Development Informational Transmittal ("DFD IT") No. 19-21. Nevertheless, the ALJ affirmed the Agency's denial of said benefits on the basis that Petitioner's UIB income put her over the WFNJ/TANF eligibility level, and affirmed the Agency's denial of EA benefits on the basis that Petitioner was not a WFNJ or SSI benefits recipient, opining that she may reapply for WFNJ/TANF and EA benefits should her circumstances change. See Initial Decision at 4-5; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.2(a). I also agree. Of note, Petitioner's eligibility for WFNJ/TANF and EA benefits would also be contingent upon the submission of a MED-1 form indicating a 12-month disability. See Initial Decision at 3; see also N.J.A.C. 10:90-2.4(a)(3), -6.2(a). Finally, the ALJ found that the Agency's termination of Petitioner's SNAP benefits was improper as it had inaccurately based its calculations for SNAP eligibility on a household of four, rather than the correct household number of six, soon to be seven, as Petitioner is currently pregnant with her sixth child. See Initial Decision at 2, 4. Accordingly, the ALJ reversed the Agency's termination of Petitioner's SNAP benefits. See Initial Decision at 3-4; see also Exhibit R-1 at 7-12, and N.J.A.C. 10:87-2.2(a)(3), -2.19. I also agree. Therefore, I remand the matter of Petitioner's SNAP eligibility back to the Agency,



and direct it to recalculate Petitioner's eligibility for SNAP benefits on an expedited basis using the correct household composition.

Exceptions to the Initial Decision were filed by the Agency on June 11, 2024. A reply to the Agency's Exceptions was filed by Legal Services, on behalf of Petitioner, on June 11, 2024.

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, Petitioner is advised that should her circumstances change, she may reapply for WFNJ/TANF and EA benefits.

By way of further comment, I have reviewed the Agency's Exceptions, and find that the arguments made therein do not alter my decision in this matter. The Agency is also reminded that evidence not presented to the ALJ at the hearing shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

Also, by way of comment, I note for the benefit of Petitioner's counsel that replies to Exceptions are not permitted in DFD hearings. See N.J.A.C. 1:10-18.2.

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

Officially approved final version. June 20, 2024

Natasha Johnson
Assistant Commissioner

