



State of New Jersey

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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 **16077-24 T.W.**

AGENCY DKT. NO. **S660700012 (MIDDLESEX COUNTY BD OF SOC SCVS)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance to Needy Families ("WFNJ/TANF"), Supplemental Nutritional Assistance Program ("SNAP") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF, SNAP and EA benefits, for failure to provide income verification information necessary to determine continued eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 20, 2024, the Honorable Mary Ann Bogan, Administrative Law Judge, ("ALJ"), held the telephonic plenary hearing, took testimony, and admitted documents. On November 21, 2024, 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

Once initial financial eligibility for a WFNJ/TANF benefits recipient has been established, financial eligibility continues to exist so long as the assistance unit's total countable income (with the benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income) 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). See N.J.A.C. 10:90-3.1(c). Effective July 1, 2019, for a WFNJ/TANF assistance unit of two persons, the maximum allowable benefit level is \$425. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") No. 19-21.

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

In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income. See N.J.A.C. 10:87-2.19, -2.20. Without said verification of required information, SNAP eligibility cannot be determined or granted. Ibid.

Here, the record reflects that Petitioner went, in person, to the agency to report a change in employment on September 19, 2024, and the Agency thereafter sent Petitioner a request for verifications on September 24, 2024. See Initial Decision at 2; see also Exhibits Ra-1, Ra-2. Petitioner did not provide the earned income verification or pay stubs requested within ten days, and thereafter, an Adverse Action notice was sent to Petitioner on October 22, 2024, terminating her WFNJ/TANF and SNAP benefits effective November 1, 2024. See Initial Decision at 2; see also Exhibits Ra-4, Rb-3. The record



reflects that Petitioner had applied for EA benefits on September 20, 2024, and her EA benefits were also subsequently terminated. See Exhibits Rb-1, Rb-4. Petitioner testified that notifications from the Agency were sent to her sister's home, where she no longer resides, however, Petitioner never notified the Agency of any address change. See Initial Decision at 2. Based on the foregoing, the ALJ concluded that the Petitioner had not provided the required verifications for continued WFNJ/TANF eligibility, and by extension, because Petitioner was no longer eligible WFNJ benefits, and Petitioner was not an SSI benefits recipient, the Agency's termination of WFNJ and EA benefits was correct. See Initial Decision at 3-4; see also N.J.A.C. 10:90-3.1(b)(1), -3.6, -6.2(a), and DFD IT No. 19-21. Based on an independent review of the record, I agree, but the Initial Decision is modified to correct the use of General Assistance ("GA") in a number of places in the text of the Initial Decision, as Petitioner was receiving WFNJ/TANF benefits and not WFNJ/GA benefits.

With regards to the termination of Petitioner's SNAP benefits, following presentation of testimonial and documentary evidence in this case, the ALJ concluded that Petitioner had not provided the requested information required to be verified to determine continued SNAP eligibility, and as such, the Agency's termination of SNAP benefits was also proper and must stand. See Initial Decision at 3-4; see also N.J.A.C. 10:87-2.19, -2.20. I also agree.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/TANF, EA, and/or SNAP benefits, should her circumstances change, but must timely provide all information and documentation requested in order to determine eligibility.

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

Officially approved final version. November 27, 2024

Natasha Johnson
Assistant Commissioner

