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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 06566-18 A.W.

AGENCY DKT. NO. S516093012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), Supplemental Nutrition Assistance Program ("SNAP"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/GA and SNAP benefits contending that she failed to provide required documentation, and terminated her EA benefits contending that she failed to comply with her EA service plans ("SPs"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for April 24, 2018, but was adjourned to allow Petitioner additional time to gather documents. The case was rescheduled for April 27, 2018, but again adjourned. The matter was then rescheduled for May 4, 2018, but was again not heard because Petitioner, reportedly, did not receive the hearing notice. Finally, on May 11, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 14, 2018, the ALJ issued an Initial Decision, affirming the Agency's termination of Petitioner's EA benefits, and reversing the Agency's termination of Petitioner's WFNJ/GA and SNAP benefits.

Exceptions to the Initial Decision were filed by the Agency on May 14, 2018.

As the Director of the 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 in part, and REVERSE in part the Agency's determination.

Here, on September 15, 2017, Petitioner applied for a redetermination of WFNJ/GA benefits eligibility, and a recertification for continued receipt of SNAP benefits. See Exhibit R-C. By notice dated September 21, 2017, the Agency required Petitioner to provide it with documentation required to determine Petitioner's continued eligibility for said benefits, by October 1, 2017. See Initial Decision at 4; see also Exhibit R-B. Petitioner failed to provide the requested documentation by that date, and as a result, by notice dated October 19, 2017, the Agency terminated Petitioner's WFNJ/GA benefits and SNAP benefits, effective November 1, 2017. See Initial Decision at 4; see also Exhibit R-A, and N.J.A.C. 10:90-2.2(a) and N.J.A.C. 10:87-2.16, -2.20. Based on the aforementioned timeline, the ALJ found that



Petitioner was not given the requisite 30 days within which to provide the required documentation to the Agency, prior to its termination of Petitioner's WFNJ/GA and SNAP benefits, and that there was no indication that the Agency had reached out to Petitioner in an attempt to assist her with the completion of the application process, as required by regulation. See Initial Decision at 6-7; see also Exhibits R-A, R-B, and N.J.A.C. 10:90-2.2(a)(5) and N.J.A.C. 10:87-2.6, -2.27(e)(1). Therefore, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA and SNAP benefits was improper and must be reversed. See Initial Decision at 7-8; see also Exhibit R-A. I agree. However, in the Initial Decision, the ALJ erroneously found that Petitioner's WFNJ/GA benefits were terminated on October 1, 2017. See Initial Decision at 4. Rather, I find that the October 19, 2017, notice indicates that the monthly WFNJ/GA benefits issued to Petitioner on October 1, 2017, would be her last, thereby making the actual effective benefits termination date November 1, 2017. See Initial Decision at 4; see also Exhibit R-A. The Initial Decision is modified to reflect this finding.

The record also reflects that Petitioner executed SPs wherein she agreed, among other things, to conduct housing searches, and to provide housing search logs to the Agency on a monthly basis. See Initial Decision at 4-5; see also Exhibits EA-C, EA-D. However, the ALJ found that Petitioner failed to provide the required housing searches for the months of July, August, and September, 2017. See Initial Decision at 7. Therefore, the ALJ concluded that Petitioner had failed to comply with her SPs, and that the Agency's termination of Petitioner's EA benefits was proper and must stand. *Id.* at 7-8; see also Exhibit EA-F, and N.J.A.C. 10:90-6.6(a). I agree.

Further, the ALJ concluded that Petitioner is not subject to a six-month period of ineligibility for EA benefits, as Petitioner was not noticed of such EA benefits ineligibility penalty. See Initial Decision at 7; see also Exhibit EA-F. I disagree with this conclusion, as applicable regulatory authority dictates a six-month EA ineligibility period upon the finding of an SP violation. See N.J.A.C. 10:90-6.6(a). However, as the record reflects that Petitioner's EA benefits were terminated effective October 1, 2017, and that she has not received continued benefits pending this fair hearing, I find that she has already served any six-month EA ineligibility penalty that would have been imposed. See Exhibits EA-F, EA-N; and N.J.A.C. 10:90-6.6(a). The Initial Decision is also modified to reflect this additional finding.

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

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED in regard to the termination of Petitioner's EA benefits, and REVERSED in regard to the termination of Petitioner's WFNJ/GA and SNAP benefits.

Officially approved final version.

MAY 17 2018

Natasha Johnson
Director

