



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 05039-18 G.M.

AGENCY DKT. NO. C042600001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals the Respondent Agency's termination of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits due to her and her spouse's failure to comply with the SNAP Employment and Training Program ("ETP") work requirement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 31, 2018, the Honorable Dorothy Incarvito-Garrabrant, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 12, 2018, the ALJ issued an Initial Decision affirming the Agency's determination. Here, the record reflects that on February 6, 2018, Petitioner was advised that, as a condition of eligibility for SNAP benefits, she was required to participate in a SNAP ETP for a minimum of 30 hours per week. See Initial Decision at 2; see also Exhibit R-1 at 4. Petitioner was further advised that she and M.V., her spouse and an adult member of the SNAP household, had each failed to meet the minimum hourly requirements for compliance. Ibid.; see also Exhibit R-1 at 2. Petitioner alleges that she and M.V. are self-employed translators, who each work more than 30 hours per week, and as such, are exempt from the SNAP ETP work requirement. See Initial Decision at 2; see also Exhibit P-1 at 5, 6. The Agency denied Petitioner and M.V.'s exemption requests, and met with them on February 26, 2018, to request that they provide, within ten days, monthly earnings demonstrating that they worked 30 hours per week at a minimum wage rate. See Initial Decision at 4; see also R-1 at 6. On March 15, 2018, Petitioner and M.V. still had not provided the requested information and therefore, the Agency terminated Petitioner's SNAP benefits, effective April 1, 2018. See Initial Decision at 3; see also Exhibit P-1 at 10, and N.J.A.C. 10:87-10.1, -10.4. On April 10, 2018, after this matter had been transmitted to the OAL, M.V. provided their joint 2017 income tax return. See Initial Decision at 4; see also Exhibit P-1 at 7-9. The ALJ found that Petitioner's net monthly income in 2017 was \$473 per month, including all applicable deductions, and that Petitioner's weekly earnings were equivalent to 15 hours per week of work, which is half of what is required for either Petitioner or M.V. See Initial Decision at 6, 9; see also N.J.A.C. 10:87-10.2(b)(5).

Moreover, the ALJ found that Petitioner and M.V. had actual knowledge from their previous fair hearing and Final Decision, issued under OAL Docket No. HPW 19176-16, that M.V. and Petitioner were not exempt from the SNAP ETP work activity requirement. See Initial Decision at 6-7. Here, as in the prior matter, the ALJ found that Petitioner was unable to provide any evidence that she worked at least 30 hours per week, other than M.V.'s testimony, which the ALJ found "unbelievable," and two one-sentence letters stating that Petitioner and M.V. work thirty hours per week, which the ALJ deemed to be "self-serving." See Initial Decision at 6, 9; see also Exhibit P-1 at 5, 6. Based on the foregoing, the ALJ concluded that Petitioner did not meet the criteria for an exemption from the SNAP ETP requirement under the self-employment provision, and that Agency's termination of Petitioner's SNAP benefits was proper and must stand. See Initial Decision at 9; see also Exhibit P-1 at 10, and N.J.A.C. 10:87-10.2(b). I agree.



As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

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

Officially approved final version.

JUN 22 2018

Natasha Johnson

Director

