



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 16946-19 F.P.

AGENCY DKT. NO. S566321012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her applications for Work First New Jersey/General Assistance ("WFNJ/GA"), Emergency Assistance ("EA"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency denied Petitioner's application for WFNJ/GA and SNAP benefits contending that Petitioner's income exceed the maximum permissible income level for receipt of WFNJ/GA and SNAP benefits, and also, that she failed to provide documentation in support of her application for said benefits. Additionally, the Agency denied Petitioner EA benefits because Petitioner was not a WFNJ, nor Supplemental Security Income ("SSI"), benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 6, 2019, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing on all the issues presented, took testimony, and admitted documents.

On December 9, 2019, the ALJ issued an Initial Decision, affirming the Agency's determinations. Here, the record reflects that on October 10, 2019, Petitioner applied for WFNJ/GA, EA and SNAP benefits, and indicated that her income consisted of monthly Retirement, Survivor's and Disability Insurance ("RSDI") benefits, which had ceased in September, 2019. See Initial Decision at 2; see also Exhibits R-1 at 1, R-10 at 6. Petitioner did not include an explanation for the temporary suspension of her RSDI benefits with her application. See Initial Decision at 3. Hereafter, the Agency determined that Petitioner received RSDI benefits in September, 2019, in the amount of \$1,957, and that this amount exceeded the maximum allowable for receipt of WFNJ/GA and SNAP benefits. Ibid.; see also Exhibits R-4, R-9, and N.J.A.C. 10:87-6.16(d)(2), N.J.A.C. 10:90-3.6(a), and Division of Family Development ("DFD") Instruction 19-09-01. Accordingly, on November 8, 2019, the Agency notified Petitioner that her application for WFNJ/GA and SNAP benefits was denied. See Initial Decision at 3; see also Exhibits R-5, R-6. On that same date, the Agency also denied Petitioner's application for EA benefits because Petitioner is not a recipient of WFNJ, nor SSI, benefits, and therefore is ineligible for EA benefits. See Initial Decision at 3; see also Exhibit R-3, and N.J.A.C. 10:90-6.2(a).

Petitioner contends that her applications for WFNJ/GA, EA and SNAP benefits should not have been denied because, contrary to the Agency's determination, she did not receive RSDI benefits in



September, 2019. See Exhibit P-1. The ALJ found that Petitioner did not provide the October 15, 2019, notice confirming the temporary suspension of her RSDI benefits, until December 6, 2019, almost 60 days after the information was requested. Ibid.; see also Initial Decision at 4, and N.J.A.C. 10:87-2.19(b), -2.20(a), -2.22(c), and N.J.A.C. 90-2.2(a)(5). Accordingly, the ALJ concluded that Petitioner had failed to prove that the decisions of the Respondent Agency to deny her applications for WFNJ/GA, EA and SNAP benefits was not appropriate, and affirmed the Agency's determinations. See Initial Decision at 4, 5-6; see also Exhibits R-3, R-5, R-6. I agree.

No Exceptions to this Initial Decision were filed.

As the Director of the 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 decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/GA, EA and SNAP benefits. Petitioner is reminded that she must timely provide all documents requested by the Agency.

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

Officially approved final version.

DEC 12 2019

Natasha Johnson

Assistant Commissioner

