



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 01368-19 H.D.

AGENCY DKT. NO. C184485020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") and Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied his application for SNAP and WFNJ/GA benefits due to his failure to comply with the required work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 15, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On February 22, 2019, the ALJ issued an Initial Decision, affirming the Agency's determinations. Here, the record reflects that Petitioner previously received WFNJ/GA benefits in the years 2013 to 2015, and at various times during that time period, Petitioner's WFNJ/GA benefits were sanctioned on several occasions as a result of Petitioner being terminated from his work activities because of excessive absenteeism. See Initial Decision at 2-3; see also Exhibit R-1 at 1-2, and N.J.A.C. 10:90-4.13(b). The record further reflects that Petitioner's WFNJ/GA case was closed in the later part of 2015 when Petitioner became gainfully employed. See Exhibit R-1 at 1.

On November 28, 2018, Petitioner applied for SNAP and WFNJ/GA benefits. See Initial Decision at 2. On that same day, Petitioner was referred for a 28-day work protocol orientation. Ibid.; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-2.2(a)(2). Petitioner attended the WFNJ/GA 28-day work orientation, and was advised, among other things, that the first day of his work activity was December 10, 2018, and that he must call either prior to, or on, the day that he was to be absent from the work activity. See Initial Decision at 2; see also Exhibit R-1. However, Petitioner failed to appear at the work activity on that date. Ibid. The ALJ found that Petitioner had failed to call and advise of his non-attendance, and/or the reason for same, on or before December 10, 2018. See Initial Decision at 3. The ALJ concluded that Petitioner failed to comply with the mandatory requirements and conditions of the WFNJ/GA 28-day work protocol, without good cause for doing so. See Initial Decision at 5; see also N.J.A.C. 10:90-2.2(a)(2), -4.11. Accordingly, the ALJ found that the Agency's decision to deny Petitioner's application for WFNJ/GA benefits was correct and must stand. See Initial Decision at 5;



see also Exhibit R-4, and N.J.A.C. 10:90-1.5(a), -4.13, and Division of Family Development Instruction ("DFDI") 14-08-01. I agree.

Additionally, in accordance with N.J.A.C. 10:87-10.16(a)(1), when an individual fails to comply with the mandated work requirement, the individual shall be ineligible for SNAP benefits for a period of one month, or until such time as they come into compliance with the work activity requirement, whichever is later. Here, as Petitioner failed to comply with the work registration requirement, the ALJ concluded that the Agency's decision to also deny Petitioner's application for SNAP benefits, until such time Petitioner comes into compliance, was correct and must stand. See Initial Decision at 5; see also Exhibit R-1, and N.J.A.C. 10:87-10.4(b)(2), (c)(3). I also agree.

No Exceptions to the Initial Decision were filed by either party.

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.

MAR 01 2019

Officially approved final version.

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Natasha Johnson  
Director

