



*State of New Jersey*

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TRENTON, NJ 08625-0716

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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 00601-19 J.G.

AGENCY DKT. NO. C159581003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals the Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the correctness of her Supplemental Nutrition Assistance Program ("SNAP") benefit amount. The Agency denied Petitioner WFNJ/TANF benefits due to Petitioner's failure to provide information requested by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 4, 2019, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 7, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

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

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I hereby MODIFY the Initial Decision and AFFIRM the Agency determination, as outlined below.

On August 29, 2018, Petitioner applied for SNAP benefits on behalf of herself and her grandson, and also applied for WFNJ/TANF benefits for her grandson only. See Initial Decision at 2, 3; see also Exhibit R-2. On September 10, 2018, the Agency notified Petitioner that, in order to continue processing her application for WFNJ/TANF benefits, she was required to provide, within 10 days from the date of the letter, a copy of her grandson's birth certificate, as well as verification of the common relative, namely Petitioner's daughter, who is the grandson's mother. See Initial Decision at 3; see also Exhibit R-10. On September 20, 2018, Petitioner appeared at the Agency and was advised again, in person, that she needed to provide verification of the bloodline, in addition to a copy of her grandson's birth certificate, in order to show a common relative between herself and her grandson. See Initial Decision at 3. On that same date, the Agency denied Petitioner WFNJ/TANF benefits on behalf of her grandson, when she failed to provide verification of a common relative between herself and her grandson. *Ibid.*; see also Exhibit R-12, and N.J.A.C. 10:90-2.2(a)(5). Thereafter, on September 24, 2018, the Agency notified Petitioner that her application for SNAP benefits was approved, effective August 9, 2018, and that she



would receive \$15 per month in SNAP benefits. See Initial Decision at 2; see also Exhibit R-5. The record in this matter reveals that Petitioner's monthly unearned income consists only of Retirement, Survivor's and Disability Insurance ("RSDI") benefits totaling \$1,540, and that this amount was used to determine her eligibility and the calculation of her monthly SNAP benefit amount. See Initial Decision at 3; see also Exhibits R-6, R-8, and N.J.A.C. 10:87-6.16(b).

On October 19, 2018, Petitioner re-applied for WFNJ/TANF benefits for her grandson. See Initial Decision at 4; see also Exhibit R-13. On November 29, 2018, the Agency again requested that Petitioner provide her daughter's birth certificate, in order to establish a blood relationship between Petitioner and her grandson. See Initial Decision at 4; see also Exhibit R-14. On December 11, 2018, the Agency denied Petitioner's second application for WFNJ/TANF benefits for failing to provide her daughter's birth certificate. See Initial Decision at 4; see also Exhibit 15; and N.J.A.C. 10:90-2.2(a)(5).

Based on the facts and evidence presented, the ALJ in this matter concluded that the Agency's calculation of Petitioner's monthly SNAP benefits was proper and must be affirmed. See Initial Decision at 6-7; see also Exhibit R-5. Following an independent review of the record, I agree. See Exhibit R-6; see also N.J.A.C. 10:87-6.16 and DFD Instruction 17-09-02 at 12.

With respect to the Agency's denial of WFNJ/TANF benefits, the ALJ found Petitioner not credible when she testified that she had provided her daughter's birth certificate, and that the Agency had "no proof" that she did not bring it in. See Initial Decision at 5. The ALJ further found that Petitioner was required to provide a copy of her daughter's birth certificate, and that she failed to provide it, without good cause. Ibid. Based on the foregoing, the ALJ concluded that the Agency's denial of Petitioner's application for WFNJ/TANF benefits on behalf of her grandson was appropriate and should be affirmed, as she had failed to comply with the Agency's request to provide all requested documentation. See Initial Decision at 6; see also N.J.A.C. 10:90-2.2(a)(5), -2.2(d).

While I agree with the ALJ's conclusion, that Petitioner's application for WFNJ/TANF benefits must be denied, both the ALJ and the Agency incorrectly state that Petitioner is "exempt from the WFNJ program due to her age and disability." See Initial Decision at 2; see also Exhibit R-1 at 1. Rather, based on an independent review of the record, it is clear that Petitioner herself is ineligible for WFNJ/TANF benefits due to the amount of her unearned income, specifically, her monthly RSDI benefits totaling \$1,540, which is over the maximum allowable income level for receipt of WFNJ benefits. See N.J.A.C. 10:90-3.3(b). It should be noted that, had Petitioner herself qualified for WFNJ benefits based on a minimal amount of income or lack thereof, she would be deferred from the WFNJ work requirement, as well as exempt for the 60-month WFNJ lifetime limit for receipt of WFNJ benefits, due to her age and disability. See N.J.A.C. 10:90-4.10 and N.J.A.C. 10:90-2.4, respectively. The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner is without prejudice to re-apply for WFNJ/TANF benefits on behalf of her grandson, but is reminded that she must comply with the Agency's requests for information.

Accordingly, the Initial Decision in this matter is MODIFIED, and the Agency's actions are hereby AFFIRMED, based on the discussion above.

Officially approved final version.

FEB 15 2019

Natasha Johnson  
Director

