



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 12547-19 J.W.

AGENCY DKT. NO. C220775009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits, and a reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that he no longer had an eligible child in the household, terminated his EA benefits because he was no longer a WFNJ benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient, and his SNAP benefits were reduced due to a change in the household income and household size. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 25, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until September 27, 2019, and then closed on that same date. On November 15, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Pursuant to N.J.A.C. 10:90-2.7(a)(1), an eligible WFNJ/TANF assistance unit is comprised of the parent(s), parent person(s), or legal guardian and his or her related dependent child(ren), who are living together and function as one economic unit.

Only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

The monthly SNAP benefit allotment amount is determined, in part, by the total household income, as well as the number of eligible household members. See N.J.A.C. 10:87-2.3, -6.16, -12.1, -12.2, -12.6 and DFD Instruction ("DFDI") No. 18-09-01.



Here, the record reflects that Petitioner has custody of his minor nephew, who currently resides at an out of state private school during the year, only coming home to visit during the holidays and breaks. See Initial Decision at 2-3. It also appears from the record that, at the time Petitioner's EA benefits were terminated, he had been approved for SSI benefits. Ibid. With no eligible child living in the household, Petitioner is no longer eligible for WFNJ/TANF benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-2.7(a)(1). Also, because Petitioner was no longer a WFNJ/TANF at the time of the Agency's termination of his EA benefits, Petitioner was ineligible for EA benefits as a WFNJ benefits recipient. See Initial Decision at 2; see also N.J.A.C. 10:90-6.2(a). Further, because Petitioner's household income, in the form of unearned income from SSI benefits, had increased, and also due to the fact that the SNAP household is now comprised of one individual, Petitioner's SNAP benefits were reduced accordingly. See Initial Decision at 2; see also Exhibit R-1 at 6, 8, and N.J.A.C. 10:87-2.3, -6.16, -12.1, -12.2, -12.6 and DFDI No. 18-09-01. Based on the change in composition of Petitioner's household, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and EA benefits, and the reduction of his SNAP benefits, were proper and must stand. See Initial Decision at 3; see also Exhibit R-1 at 1-4. I agree, and further note that the reduction of Petitioner's SNAP benefits was also due to the receipt of unearned income in the form of SSI benefits. See Exhibit R-2 at 6.

However, with respect to EA benefits, as the record reflects that Petitioner is now receiving SSI benefits, he still may be eligible for EA benefits. See N.J.A.C. 10:90-6.2(a). Indeed, the Agency's adverse action notice advises him as such, and directs him to come into the Agency to be evaluated accordingly. See Exhibit R-2 at 2. Therefore, Petitioner should reapply for EA benefits, if he has not yet been evaluated for EA benefits as an SSI benefits recipient. Petitioner is advised that should he be denied EA benefits, he can request another fair hearing on that issue alone.

By way of comment, in accordance with applicable regulatory authority, in cases involving SNAP benefits, a fair hearing, Initial Decision and Final Decision are all to be completed within 60 days from the receipt of an individual's request for a fair hearing. See 7 C.F.R. § 273.15(c)(1). With this time frame in mind, it should be noted that Initial Decisions in SNAP cases are to be issued within 14 days from the date of the hearing before the ALJ. See N.J.A.C. 1:10-18.1(b).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is AFFIRMED.

Officially approved final version.

DEC - 5 2019

Natasha Johnson
Assistant Commissioner

