



*State of New Jersey*

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 09298-19 K.P.

AGENCY DKT. NO. C092628002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's reduction of her Supplemental Nutrition Assistance Program ("SNAP") benefits, and the imposition of a three-month disqualification penalty from SNAP benefits. The Agency reduced Petitioner's SNAP benefits, and imposed a three-month disqualification penalty against Petitioner from receipt of SNAP benefits, because she failed to comply with the mandatory SNAP Employment and Training Program ("ETP") requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled on July 30, 2019, but was adjourned at the request of Petitioner. On August 20, 2019, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties to submit additional documentation regarding Petitioner's alleged failure to receive notice of the time and place for the SNAP ETP appointment. The parties submitted additional documentation on August 23, 2019, and the record closed on that day.

On August 28, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner was scheduled to attend a SNAP ETP appointment on May 13, 2019, but failed to attend. See Initial Decision at 2; see also Exhibit R-9. As a result, Petitioner's monthly SNAP benefits were reduced from \$450 to \$272 when Petitioner was removed from the SNAP household for failure to comply with her ETP requirements. See Initial Decision at 2; see also Exhibit R-10. Pursuant to regulatory authority, as this is Petitioner's second ETP requirement violation, without good cause, she is removed from the SNAP household for three months, or until she complies with the SNAP ETP, whichever is later. See Initial Decision at 1, 3-4; see also Exhibits R-8, R-11, and N.J.A.C. 10:87-10.16(a)(2).

Petitioner argued that she never received notice of the scheduled ETP appointment. See Initial Decision at 3. To support her contention, Petitioner produced a letter from the supervisor of her local post office confirming that the letter advising Petitioner of the date to attend the SNAP ETP was never delivered. *Id.* at 3-4; see also Exhibit P-2. However, the ALJ found that the supervisor's letter constituted hearsay evidence, as it was drafted in reliance upon Petitioner's representation, and is not evidence of the supervisor's personal knowledge. *Id.* at 4; see also N.J.A.C. 1:1-15.5(a). The ALJ further



found that, because the supervisor's letter is unreliable, Petitioner had not provided a residuum of competent evidence to support her contention that she never received notice of the date of the ETP appointment. See Initial Decision at 4; see also N.J.A.C. 1:1-15(b).

Based on the record presented, the ALJ concluded that Petitioner had failed to comply with the SNAP work requirement for a second time, without good cause, and therefore, the Agency's reduction of Petitioner's SNAP benefits and the imposition of a disqualification penalty from SNAP benefits of three months, or until she complies with the SNAP ETP, whichever is later, were proper and must stand. See Initial Decision at 6; see also Exhibit R-10, and N.J.A.C. 10:87-10.15, -10.16, and -10.18. I 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.

Officially approved final version.

Natasha Johnson  
Director

SEP 17 2019

