



State of New Jersey

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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 08693-19 L.H.

AGENCY DKT. NO. C074145018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits, and the imposition of a one month period of ineligibility for SNAP benefits. The Agency reduced Petitioner's SNAP benefits, and imposed a one month period of ineligibility for SNAP benefits, due to Petitioner's failure to attend a required SNAP work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The hearing was initially scheduled for July 23, 2019, but was adjourned. On August 13, 2019, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 16, 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, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision and AFFIRM the Agency's determination, as discussed below.

Pursuant to N.J.A.C. 10:87-10.16(a), if the Agency determines that an individual has failed to comply with his SNAP ETP work requirement, the individual is rendered ineligible to participate in the SNAP program, and is treated as an ineligible household member in accordance with N.J.A.C. 10:87-7.7. A first violation "results in a disqualification of either one month or until the individual complies with the work registration of NJ SNAP ETP requirement, which he or she failed to perform, whichever is later." N.J.A.C. 10:87-10.16(a)(1).

Here, the record reflects that Petitioner, a SNAP benefits recipient, is an able-bodied adult with a dependent, who is not exempt from the SNAP work registration requirement. See Initial Decision at 2; see also N.J.A.C. 10:87-10.1. On April 17, 2019, the Agency requested that Petitioner attend a May 1, 2019, work registration orientation. See Initial Decision at 1-2; see also Exhibit R-1 at 6. Petitioner did not attend the May 1, 2019, work registration orientation. See Initial Decision at 2; see also Exhibit R-1 at 7, 10. Petitioner advised the Agency that she was working, and as such, on May 9, 2019, the Agency



requested that Petitioner provide copies of paystubs. See Initial Decision at 2; see also Exhibit R-1 at 9. Petitioner never provided the requested paystubs. See Initial Decision at 2. Thereafter, the Agency scheduled Petitioner to attend another work registration orientation session on July 1, 2019. See Exhibit R-1 at 13. Petitioner did not attend the July 1, 2019, scheduled work activity. See Initial Decision at 2; see also Exhibit R-1 at 15, 16. The ALJ found, and Petitioner does not dispute, that Petitioner failed to provide the requested information, and failed to participate, without good cause, in the SNAP work activity requirement. See Initial Decision at 3; see also N.J.A.C. 10:87-2.14, -2.22(c)(1), -10.1, -10.4. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's SNAP benefits was appropriate and must stand. See Initial Decision at 3; see also Exhibit R-1 at 11, and N.J.A.C. 10:87-2.14, -2.22(c)(1), -10.1, -10.4. While I agree with the ALJ's final conclusion, I note that Petitioner's SNAP benefits were not terminated as stated by the ALJ, but rather, in accordance with applicable regulatory authority, Petitioner's SNAP benefits were reduced by her pro-rata share. See N.J.A.C. 10:87-10.16(a)(1); see also Exhibit R-1 at 10. Moreover, the Initial Decision does, in fact, state that Petitioner continues to receive SNAP benefits on behalf of her minor son. See Initial Decision at 2. The Initial Decision is modified to reflect these findings.

By way of comment, as Petitioner has been receiving continued assistance pending the outcome of this fair hearing, Petitioner's one month period of ineligibility for SNAP benefits shall begin to run as of the date of issuance of this Final Agency Decision. See N.J.A.C. 10:87-10.16(a)(1); see also Exhibit R-1 at 10. Petitioner is reminded that SNAP benefits will continue at a reduced rate for a minimum of one month, or until such time as she comes into compliance with the required work activity, whichever is later. See N.J.A.C. 10:87-10.16(a)(1) (emphasis added).

Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version.

AUG 26 2019

Natasha Johnson
Director

