



State of New Jersey

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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 13737-19 V.S.

AGENCY DKT. NO. C129138001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's termination of his Supplemental Nutrition Assistance Program ("SNAP"), and Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's SNAP and WFNJ/GA benefits, contending that he failed to cooperate with an investigation by not meeting with an Agency Investigator, after repeated attempts by the Agency to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 18, 2019, during a prehearing conference, the matter was adjourned by joint request of the parties for further investigation, and for the submission of additional documentation. On November 1, 2019, the Honorable Jeffrey R. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 7, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner, a SNAP and WFNJ/GA benefits recipient, primarily speaks Spanish, and speaks and understands very little English. See Initial Decision at 2, 5. On or about June 4, 2019, the Agency became aware that Petitioner was possibly married to M.C., with whom he resided. *Id.* at 2; see also Exhibit R-1 at 23. To this end, the Agency mailed a Living Arrangement Affidavit ("Affidavit") to M.C. to complete. *Ibid.* On June 18, 2019, M.C. returned the completed Affidavit to the Agency certifying, among other things, that Petitioner did live with her, that she and Petitioner were friends, that Petitioner buys and prepares his own food, and that he does not work. *Ibid.* On July 17, 2019, during the recertification process for Petitioner's eligibility for continued SNAP benefits, an Agency case worker interviewed Petitioner. See Initial Decision at 3; see also Exhibit R-2 at 6a. During the interview, Petitioner initially referred to M.C. as his "wife," but later referred to M.C. as his "friend." *Ibid.* After the interview, the matter was referred for an investigation to determine Petitioner's household composition. *Ibid.*; see also N.J.A.C. 10:87-2.2.

On September 2, and September 3, 2019, the Investigator visited Petitioner's residence, but no one answered the door. See Initial Decision at 3; see also Exhibit R-2 at 6c-6d. Thereafter, on September 5, 2019, a woman answered the door, and the Investigator identified himself as a representative from social services, and not as an Investigator from the Agency. See Initial Decision at 4, 8. The woman who had answered the door indicated to the Investigator that Petitioner lived there with his girlfriend, M.C. *Id.* at 4; see also Exhibit R-2 at 6c. Also, during the September 5, 2019, visit, the woman advised the Investigator that Petitioner would be at the door in a few minutes; however, after 20 minutes, the Investigator left without speaking with Petitioner. *Ibid.*

The ALJ found Petitioner credible when he testified that he suffers from several debilitating conditions, and that due to those condition, it took him some time to come to the door. See Initial Decision at 4-5. The ALJ further found that the Investigator's visit to Petitioner's home was not scheduled in advance, and that Petitioner was never made aware,



as required by regulatory authority, that an investigator would be visiting his residence. Id. at 7; see also N.J.A.C. 10:87-2.22(a)(1)(i). Accordingly, the ALJ concluded that Petitioner cannot fail to cooperate with an investigation of which he had not been provided with advance notice and, therefore, the Agency's termination of his SNAP and WFNJ/GA benefits was not appropriate and must be reversed. See Initial Decision at 8; see also Exhibits R-1 at 1-4, R-2 at 1-3, and N.J.A.C. 10:87-2.2, -2.14, -2.19(i), and N.J.A.C. 10:90-2.2(d). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

Natasha Johnson
Assistant Commissioner

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