



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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NATASHA JOHNSON
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 05034-20 C.L.

AGENCY DKT. NO. C163981015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/ Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, at redetermination. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that she failed to provide documentation requested. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 31, 2020, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow the Agency the opportunity to provide additional information. Upon receipt of such additional information on August 10, 2020, the record then closed. On August 21, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 hereby MODIFY the Initial Decision, and REVERSE the Agency action.

N.J.A.C. 10:87-6.23(a) states, in pertinent part, "[Public assistance] households in which all members are included in a single WFNJ assistance unit . . . shall have their NJ SNAP certifications expire in conjunction with the scheduled redetermination of WFNJ assistance."

N.J.A.C. 10:87-9.1(a) states, "No household may participate [in SNAP] beyond the expiration of the certification period . . . without a determination of eligibility for a new period."

Here, the ALJ found, the record substantiates, and the Agency acknowledged, that Petitioner has provided the Agency with the requested documentation regarding proof of her non-exempt mobile home real property being listed for sale, which was the only requirement necessary for the Agency to approve Petitioner for continued receipt of WFNJ/TANF benefits. See Initial Decision at 3-9; see also Exhibits P-1 through P-4, P-8, R-3, R-4, R-7, and N.J.A.C. 10:90-3.10(b), (c), and N.J.A.C. 1:1-15.5. Additionally, the ALJ found that in accordance with regulatory authority, the Agency had failed to provide Petitioner with a property liquidation agreement or with the appropriate amount of time required to sell her



mobile home. See Initial Decision at 10; see also N.J.A.C. 10:90-3.10(c). Further, the ALJ found Petitioner credible when she testified that her mobile home is in disrepair and that it has been difficult to sell. See Exhibit P-5 through P-8, and R-5. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was improper and must be reversed. See Initial Decision 9-10; see also Exhibit R-1. I agree.

The ALJ additionally stated that Petitioner had also appealed a termination of Supplemental Nutrition Assistance Program ("SNAP") benefits, and concluded that said termination of SNAP benefits was improper and reversed said termination. See Initial Decision at 1-2, 10-11. However, a termination of SNAP benefits was not a transmitted issue in this case. Moreover, as it appears that Petitioner's SNAP certification period had ended, a new eligibility determination for SNAP benefits must be made by the Agency. See N.J.A.C. 10:87-9.1(a); see also N.J.A.C. 10:87-6.23(a). Therefore, the Agency shall reevaluate Petitioner's eligibility for SNAP benefits on an expedited basis, if it has not done so already. The Initial Decision is modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, as outlined above.

Officially approved final version.

SEP - 8 2020

Natasha Johnson

Assistant Commissioner

