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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 17103-19 I.G.

AGENCY DKT. NO. C151573003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's sanctioning of his Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and the termination of his Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency sanctioned Petitioner's WFNJ/GA benefits, and terminated his SNAP benefits, due to his failure to comply with the required work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 6, 2020, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. A conference call with the parties was held on January 9, 2020, and the Agency was asked to submit additional documentation regarding the WFNJ/GA sanction imposed on Petitioner. On that same date, the Agency submitted the requested documentation. The record then closed on January 10, 2020. On January 15, 2020, 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, based on the discussion 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) (emphasis added).

In order to maintain eligibility for receipt of WFNJ benefits, a recipient must cooperate with, and participate in, the WFNJ work activity requirements. See N.J.A.C. 10:90-2.2(a)(2), -4.1(d). If a WFNJ benefits recipient fails to comply with their work activities without good cause, the recipient is subject to a sanction resulting in a pro-rata reduction of WFNJ benefits for the first month. See N.J.A.C.



10:90-4.13(b). Thereafter, if the WFNJ benefits recipient is still non-compliant, without good cause, the WFNJ benefits will be suspended for one month. See N.J.A.C. 10:90-4.13(b)(1). If the non-compliance continues, the recipient's case will close the month after the suspension of WFNJ benefits. See N.J.A.C. 10:90-4.13(b)(2).

Here, the record reflects that, on July 16, 2019, Petitioner, an able-bodied adult with no dependents, and who is not exempt from the SNAP work registration requirement, applied for, and was approved for WFNJ/GA and SNAP benefits. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:87-10.1. On that same date, Petitioner completed an Individual Responsibility Plan ("IRP"), and was assigned to a work activity, to begin in August, 2019. See Initial Decision at 3; see also Exhibit R-8 at 5, 6, 9-10. Petitioner did not appear at his work activity for several days in October, 2019, and November, 2019. See Initial Decision at 3, 4; see also Exhibits R-4, R-8. Petitioner contends that the program did not teach him anything, and that because he was "forced" into attending a training program as a condition of receiving WFNJ/AGA and SNAP benefits, he should be considered an employee. See Initial Decision at 3. Moreover, Petitioner submitted a temporary disability application, asserting that being forced to attend the work activity worsened his psychological condition. Id. at 3-4. On November 19, 2019, the Agency notified Petitioner that effective December 1, 2019, his WFNJ/GA benefits would be sanctioned, and his SNAP benefits terminated, for failing to comply with the WFNJ work requirement. See Initial Decision at 4; see also Exhibits R-1, R-9, and N.J.A.C. 10:90-4.13(a), (b) (1) and N.J.A.C. 10:87-10.15(c), -10.16.

The ALJ found that Petitioner's disability application did not include any medical documentation of his disability, and that without documentation of a medical disability, such as a MFD-1 form, Petitioner was not entitled to a medical exemption from participating in the required work activity. See Initial Decision at 6; see also N.J.A.C. 10:4.10(a)(2). The ALJ further found that Petitioner was not medically certified as physically or mentally unfit for employment. See Initial Decision at 7; see also N.J.A.C. 10:87-10.20(c) (3). Lastly, the ALJ found that Petitioner had applied for Supplemental Security Income ("SSI") benefits in 2016 or 2017, but his application was denied, and that he did not appeal that denial. See Initial Decision at 4, 7; see also N.J.A.C. 10:90-4.10(a)(2)(i). Based on the foregoing, the ALJ concluded that Petitioner did not demonstrate good cause for his non-compliance with his work activity, and that the Agency had properly sanctioned Petitioner's WFNJ/GA benefits, and properly terminated Petitioner's SNAP benefits. See Initial Decision at 7-8; see also N.J.A.C. 10:90-4.11, -4.13(a); see also N.J.A.C. 10:87-10.15, -10.16. I agree.

Additionally, in accordance with applicable regulatory authority, I find that Petitioner shall be disqualified from receipt of SNAP benefits for one month, or until such time as Petitioner comes into compliance with his work activity, whichever is later. See Exhibit R-1; see also N.J.A.C. 10:87-10.16(a)(1). The Initial Decision is modified to reflect this finding.

By way of comment, as Petitioner has been receiving continued assistance of both WFNJ/GA and SNAP benefits pending the outcome of this fair hearing, the sanctioning of Petitioner's WFNJ/GA benefits, and the termination of Petitioner's SNAP benefits shall begin as of the date of the issuance of this Final Agency Decision.

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

Officially approved final version.

JAN 24 2020

Natasha Johnson
Assistant Commissioner

