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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 01943-20 L.M.

AGENCY DKT. NO. C040622018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the termination of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits due to her failure to attend the mandated work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 10, 2020, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On March 3, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter, and I hereby ADOPT the Initial Decision, and REVERSE the Agency's determination.

In accordance with N.J.A.C. 10:87-10.16(a)(1), when an individual fails to comply with the mandated work requirement, the individual shall be ineligible for SNAP benefits for a period of one month, or until such time as they come into compliance with the work activity requirement, whichever is later. The Agency shall be responsible for determining good cause in those instances where the Petitioner fails to comply with the work requirement. See N.J.A.C. 10:87-10.18(a). If the good cause presented represents a situation or condition which will continue for 60 days or more, the person shall be considered exempt. See N.J.A.C. 10:87-10.18(a)(2).

Here, the record reflects that the Agency had scheduled Petitioner to attend a SNAP training program on January 2, 2020. See Initial Decision at 2; see also Exhibit R-6. Petitioner did not attend the January 2, 2020, session. Ibid. On January 3, 2020, the Agency wrote to Petitioner, requesting that, within 10 days, she provide a good cause explanation for her failure to attend the January 2, 2020, SNAP training program. See Initial Decision at 2; see also Exhibit R-7. Petitioner did not respond, and on January 16, 2020, the Agency notified Petitioner that, effective February 1, 2020, her SNAP benefits would be sanctioned for one month, for failing to comply with a work or training requirement of the SNAP program, specifically, for her failure to attend the January 2, 2020, training program. See Initial Decision at 2; see



also Exhibit R-9, and N.J.A.C. 10:87-10.15, -10.16(a)(1). Also on January 16, 2020, Petitioner received the Agency's January 3, 2020, letter and visited the Agency. See Initial Decision at 6. The Agency advised Petitioner that she could start compliance by attending the work training program on February 4, 2020. Id. at 3. Petitioner informed the Agency that she was unable to attend the SNAP training program because she needed transportation, as she was displaced from her home due to a fire that occurred on January 12, 2020. See Initial Decision at 2, 3, 6; see also Exhibit P-1. The Agency then advised Petitioner that it was unable to provide transportation for her, as her case was closed, effective January 13, 2020, due to non-compliance, and that she had not provided a good cause explanation for her failure to attend the SNAP training program. See Initial Decision at 6; see also Exhibit R-7, and N.J.A.C. 10:87-10.16(a)(1), -10.18.

The ALJ found that the Agency's January 3, 2020, letter, requesting that Petitioner provide good cause for not attending the SNAP training program, was not sent until January 9, 2020, and that Petitioner had 10 days from that date, specifically, until January 19, 2020, to respond. Id. at 10; see also Exhibit P-2, and N.J.A.C. 10:87-10.15(a)(1). Accordingly, the ALJ further found that Petitioner timely responded to the Agency on January 16, 2020, and provided good cause for not attending the SNAP training program, when she advised the Agency that she was displaced from her home because of a fire, and that she had no available transportation. See Initial Decision at 10; see also Exhibit P-1, and N.J.A.C. 10:87-10.18(b). Therefore, the ALJ reversed the Agency's termination of Petitioner's SNAP benefits, and directed that Petitioner's case remain open as if it has been uninterrupted. See Initial Decision at 11; see also Exhibit R-9, and N.J.A.C. 10:87-10.15, -10.16(a)(1). I agree.

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

Officially approved final version. **MAR 30 2020**

Natasha Johnson
Assistant Commissioner

