



## 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 17121-24 E.F.

AGENCY DKT. NO. C092783014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from the Respondent Agency's determination that he verbally withdrew his Work First New Jersey/ Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the denial of his application for Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency maintains that Petitioner verbally withdrew his application for WFNJ/TANF benefits after he would not cooperate with child support requirements, and the Agency denied Petitioner's SNAP benefits, contending that he failed to provide all required documentation to the Agency needed to determine his eligibility for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 30, 2025 the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 13, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, providing a detailed and well thought out analysis, applying law to fact. See Initial Decision at 2-8. As to Petitioner's WFNJ/TANF application, Petitioner applied for benefits on September 16, 2024, and was interviewed by the Agency on September 18, 2024, at which time he was referred to discuss his application with the child support unit due to his indicating that his household included two minor children. See Initial Decision at 2; see also Exhibit R-1. Within the application, Petitioner did not include social security numbers for either child, did not identify either of the children's mother(s), and denied the children were receiving benefits from any state. Ibid. During the interview, the Agency representative informed Petitioner that he was required to provide certain information and comply with the child support unit to complete his application, however, Petitioner refused to provide the required information and refused to assist the Agency in establishing child support orders. See Initial Decision at 2; see also N.J.A.C.10:90-2.2(a)(1), and Division of Family Development Instruction ("DFDI") Nos. 09-6-3, 99-5-7. On October 16, 2024, the Agency issued a Notification Form to Petitioner informing him that this application for WFNJ/TANF was withdrawn per his verbal request. See Initial Decision at 5. At the hearing before the ALJ, multiple Agency representatives testified that Petitioner verbally withdrew his WFNJ/TANF application. See Initial Decision at 3. Petitioner maintained that he did not withdraw his WFNJ/TANF application, however, he did not deny informing the Agency that he would not seek child support, and although he asserted that he should have received a child support waiver, the ALJ found no credible or competent evidence was presented that he had previously requested such waiver nor that he would qualify for such waiver. Ibid. Based on the testimonial and documentary evidence presented, the ALJ concluded that the Petitioner verbally withdrew his WFNJ/TANF application, following his refusal to cooperate with the Agency regarding child support. See Initial Decision at 3, 6, 8; see also N.J.A.C. 10:90-2.2(a)(1), -16.2, -16.3, -16.4. I agree.

Following a telephone interview regarding his SNAP application, the Agency sent Petitioner a Request for Verification on September 18, 2024 which required the submission of immigration documentation for Petitioner and his mother, a



social security number for Petitioner's son, proof of address, a rent/mortgage receipt, an electric bill, and a statement on how Petitioner was meeting expenses. See Initial Decision for 3; see also Exhibit R-2. Petitioner was further advised that his daughter was receiving SNAP benefits under her mother's case in another county, and that she would have to be removed from that case in order to be considered part of Petitioner's SNAP household. See Initial Decision at 3-4; see also Exhibit R-3. Petitioner responded by submitting his proof of address and an electric bill, however, he refused to provide his son's social security number based upon his belief he should be exempt from such submission due to he and his mother having Violence Against Women Act ("VAWA") and U Visa status. See Initial Decision at 4; see also Exhibit R-6. The Agency contended that the information provided by Petitioner does not establish his immigration status, nor his status as a qualified alien, for purposes of determining his eligibility for SNAP benefits. See Initial Decision at 4-5. The Agency did, proactively, conduct a Systematic Alien Verification for Entitlements (SAVE) search for both Petitioner and his mother, which resulted in verifying Petitioner has "temporary employment authorized" status and his mother had "not employment authorized" status. See Initial Decision at 5. On October 16, 2024, the Agency issued a Notification Form informing Petitioner his SNAP application was denied for failure to provide proof of his son's social security number. Ibid. The Agency representative testified further that Petitioner's son was the only potentially eligible member of the household for SNAP benefits, as Petitioner had failed to establish that he, or his mother, were qualified eligible aliens, and because his daughter was receiving SNAP benefits under a different household in a different county. Ibid. Petitioner testified that he does not have his son's social security number and that he is not identified as the child's father on his birth certificate. Ibid. Based upon the testimonial and documentary evidence presented, the ALJ found that, at the time of SNAP application, Petitioner did not demonstrate good cause to refuse or fail to provide his son's social security number. See Initial Decision at 6, 7; see also Exhibit R-8, see also N.J.A.C. 10:87-2.11, -2.19. Further, the ALJ found that Petitioner's daughter is ineligible to receive SNAP benefits as she is currently receiving benefits from her mother's SNAP case. See Initial Decision at 7.

Regulatory authority mandates that an applicant for SNAP benefits must be either a United States citizen or a qualified eligible alien. See N.J.A.C. 10:87-3.5. N.J.A.C. 10:87-3.7(a) states, "Qualified aliens who have been lawfully admitted for permanent U.S. residence and/or are permanently and lawfully residing in the U.S. shall be eligible for the NJ SNAP program. For a specific listing of aliens eligible for program benefits, see N.J.A.C. 10:87-3.8." N.J.A.C. 10:87-3.8(b) further specifies that immigrants shall meet two requirements to be eligible for SNAP benefits, in addition to other program requirements: that the immigrant be in a "qualified alien category," and also meet a condition that allows qualified aliens to receive SNAP benefits. The regulation further dictates that a "qualified alien" for SNAP benefits eligibility is a person who falls into one of the categories outlined in subsections (d) and (e) of the regulation. See N.J.A.C. 10:87-3.8(c). At the time of the hearing, Petitioner presented a previously undisclosed Notice of Action from the Department of Homeland Security demonstrating his mother's application under VAWA had been approved during February 2022, however, the ALJ found the document was never previously submitted to the Agency and that Petitioner failed to demonstrate he has any status or protection under VAWA or a U non-immigrant status which would establish eligibility for SNAP benefits. See Initial Decision at 6; see also Exhibit P-1 and N.J.A.C. 10:87-2.22(c)(2), -3.8. The ALJ found that Petitioner's immigration status is unverified, as he has not presented sufficient evidence that he is a qualified eligible alien for purposes of determining SNAP eligibility and therefore that the Agency's denial of Petitioner's SNAP benefits was proper and must stand. See Initial Decision at 7-8; see also N.J.A.C. 10:87-2.14, -2.19, -3.8, -3.9. I also agree.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/TANF and SNAP benefits, but is advised that he must provide the Agency with all requested/required documentation, as well as verify his immigration status. See N.J.A.C. 10:90-2.2, and N.J.A.C. 10:87-2.14, -2.19, -3.8, -3.9.

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

Officially approved final version.

March 05, 2025

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Natasha Johnson

Assistant Commissioner

