



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 10304-14 M.B.

AGENCY DKT. NO. C163371 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her Work First New Jersey/General Assistance ("WFNJ/GA"), Emergency Assistance ("EA") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency denied Petitioner's benefits because Petitioner failed to provide proof of an error, pertaining to alleged income, within thirty days of her recertification conference. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 24, 2014, the Honorable Jesse H. Strauss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On September 25, 2014, the ALJ issued his Initial Decision reversing the Agency's determination. The ALJ found that the issue, tied to a misuse of Petitioner's social security number by a company, and for an individual, Petitioner did not know, was one that was not within Petitioner's control. See Initial Decision at 2-3. The ALJ noted that it was through Petitioner's own due diligence that she was able to find the basis of the problem, and although it took more than 30 days, Petitioner was ultimately able to provide the proof requested and Petitioner's benefits were restored. See *id.* at 3. Citing to N.J.A.C. 10:90-1.6, the ALJ noted that the Agency also had the responsibility to secure necessary verification information, needed by a benefit recipient, from secondary sources. See Initial Decision at 4. The ALJ stated, "[Petitioner] was the victim of a mistake by an entity over which she had no control, had no knowledge of its existence for a period and had no power to force to correct the mistake." *Ibid.* As such, the ALJ concluded that Petitioner should not be penalized, and ordered that Petitioner be provided with SNAP benefits for June and July 2014, and GA and EA benefits for the month of July 2014.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

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

Signed Copy on File
at DFD, BARA

OCT - 2 2014

Jeanette Page-Hawkins
Director