



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 14602-18 E.B.

AGENCY DKT. NO. S732756009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and the termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner WFNJ/GA benefits, and terminated Petitioner's SNAP benefits, contending that she failed to provide requested information to the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was originally scheduled for October 23, 2018, but Petitioner did not appear due to her hospitalization. On October 25, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 30, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

Here, the record reflects that on July 26, 2018, the Agency denied Petitioner WFNJ/GA benefits contending that she failed to provide the requested MED-1 form to the Agency. See Exhibit P-2. The record supports that the requested information sought by the Agency, which Petitioner failed to provide, was a MED-1 form, and not a rent contribution letter, as stated in the Initial Decision. See Initial Decision at 2; see also Exhibits P-2, R-5. It is not clear from the record when the Agency requested that Petitioner provide a MED-1 form, as the record only indicates that, as of July 16, 2018, Petitioner's WFNJ/GA benefits were pending receipt of that form. See Exhibit R-5. However, the record does reflect that on or around July 16, 2018, Petitioner informed the Agency that her doctor had indeed faxed her MED-1 form back to the Agency on two occasions. *Ibid.* Based on the foregoing, I concur with the ALJ's conclusion that the Agency's decision to deny WFNJ/GA benefits to Petitioner must be reversed, as the Agency had not proven by a preponderance of the credible evidence that Petitioner failed to comply with the Agency's request for documentation. See Initial Decision at 5-6, see also Exhibit P-2, and N.J.A.C. 10:90-2.2(a)(5).

Additionally, the record reflects that, by notice dated August 15, 2018, the Agency terminated Petitioner's SNAP benefits, effective September 1, 2018, contending that she failed to provide the Agency with a dated housing authority letter indicating her portion of the rent to be paid. See Initial Decision at 2; see also Exhibits P-3, R-3. On August 9, 2018, the Agency requested that Petitioner provide a dated letter from the housing authority indicating her rental information. See Initial Decision at 2; see also Exhibit P-3 at 1. Pursuant to that request, on or about August 16, 2018, Petitioner provided the Agency with a letter from the housing authority indicating the amount of rent that she was responsible for paying, however, that letter was rejected by the Agency because it was not dated, resulting in the termination of Petitioner's SNAP



benefits. See Initial Decision at 2; see also Exhibits P-3 at 2, R-3, and N.J.A.C. 10:87-2.19(f), -2.22. Regardless, the ALJ found that the Agency had actual and constructive notice that Petitioner was a tenant of the housing authority and the amount of her rent, as it had in its possession a letter from the housing authority with the requested information. See Initial Decision at 5; see also Exhibits P-3, R-5. Based upon the testimony and evidence provided, the ALJ concluded that the Agency's decision to terminate Petitioner's SNAP benefits must also be reversed, as the Agency did not prove by a preponderance of the credible evidence that Petitioner failed to provide the information requested by the Agency. See Initial Decision at 5-6; see also Exhibit R-3, and N.J.A.C. 10:87-2.19(f), -2.22. I also agree.

Further, on September 11, 2018, and again on October 2, 2018, after Petitioner's SNAP benefits had already been terminated, the Agency requested that Petitioner provide a letter from her relative concerning their contribution toward the payment of Petitioner's rent, and a letter from the housing authority indicating its assistance with the rent. See Initial Decision at 3; see also Exhibits R-1, R-2. Although not an issue on appeal, at the time of the hearing, the Agency contended that Petitioner is also ineligible for SNAP benefits because she failed to provide the aforementioned documentation. See Initial Decision at 2, 5; see also Exhibit R-3. However, the ALJ found Petitioner and her daughter, L.A., to be credible when they testified that Petitioner instructed L.A. to send the requested documentation to the Agency, and that L.A., had, in fact, submitted the rent contribution letters, in the pink envelopes provided by the Agency each time said letter had been requested. See Initial Decision at 3. Accordingly, the ALJ also concluded that a termination of Petitioner's SNAP benefits, on that basis, is improper. See Initial Decision at 5-6. Again, I also agree.

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

Officially approved final version. **NOV 21 2018**

Natasha Johnson
Director

