



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
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TRENTON, NJ 08625-0716

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 08717-18 F.P.

AGENCY DKT. NO. C513902002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of Respondent Agency's reduction of his Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency reduced Petitioner's household SNAP benefits because his spouse, K.B., failed to comply with her work activity requirement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 11, 2018, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On July 17, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner's SNAP household is comprised of himself, K.B., and their two children. See Initial Decision at 2. The ALJ found that on April 24, 2018, K.B. was properly notified that she was required to appear at an appointment scheduled with New Jersey Employment services on April 30, 2018. *Id.* at 2, 4; see also Exhibit R-2. However, Petitioner did not appear at the appointment, nor otherwise contact the Agency to explain why she was unable to attend. See Initial Decision at 2, 4-5. As a result, K.B. was removed from the SNAP household, thereby reducing Petitioner's household SNAP benefits from \$226 to \$86 per month, for a two-month period, effective June 1, 2018. See Initial Decision at 2; see also Exhibit R-1 at 2-7, and N.J.A.C. 10:87-10.16. Based on the foregoing, the ALJ concluded that the Agency's determination was proper and must stand, and that K.B. is ineligible for SNAP benefits until such time as she comes into compliance with the required work activity. See Initial Decision at 5; see also Exhibit R-1 at 2-7, and N.J.A.C. 10:87-10.16(a)(1). I agree.

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 considered the ALJ's Initial Decision and following an independent review of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

By way of comment, while I agree with the Agency's substantive determination that Petitioner's spouse should be removed from the SNAP household, I note that the appropriate time period for removal is one month, not two months, as is reflected in the adverse action notice, or until the person complies



with the work requirement which they failed to perform, whichever is later. See N.J.A.C. 10:87-10.16(a) (1) (emphasis added); see also Exhibit R-1 at 2. The Agency's determination is modified to reflect same. As the record is devoid of any evidence that K.B. has come into compliance with the required work activity, Petitioner's household SNAP benefits shall continue at the reduced amount until such time as K.B. comes into compliance. See N.J.A.C. 10:87-10.16(a)(1).

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is MODIFIED, as discussed above.

Officially approved final version.

AUG - 7 2018

Natasha Johnson

Director

