



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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

REMAND DECISION

OAL DKT. NO. HPW 05942-18 M.W.

AGENCY DKT. NO. C654078007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), the denial of Emergency Assistance ("EA"), benefits, and the reduction of SNAP benefits. The Agency terminated Petitioner's WFNJ/TANF benefits contending that she was over the income eligibility level for receipt of said benefits, denied EA benefits contending that her apartment failed the inspection required for EA benefits eligibility, and reduced Petitioner's SNAP benefits based on a calculation of her income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 30, 2018, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 1, 2018, the ALJ issued an Initial Decision, affirming 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, AFFIRM the Agency's determination, and REMAND the matter to the Agency on a limited basis as discussed below.

Here, the record reflects that the Agency found Petitioner ineligible for continued receipt of WFNJ/TANF benefits, and terminated said benefits, based on Petitioner's monthly earned income. See Initial Decision at 3; see also Exhibits P-1, R-1, and N.J.A.C. 10:90-3.1(c), -3.3(b). Petitioner does not dispute her income and ineligibility for WFNJ/TANF benefits.

See Initial Decision at 3-4. However, Petitioner disputes the Agency's denial of EA benefits, contending that while her current income may be sufficient to pay her rent for temporary housing and future housing, it is insufficient to pay the security deposit and first month's rent at the time a new lease is signed. *Id.* at 4. Regardless, the ALJ found that because Petitioner is no longer a WFNJ/TANF benefits recipient, or a Supplemental Security Income recipient, she is ineligible for EA benefits. *Ibid.*; see also N.J.A.C. 10:90-6.2(a). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Ibid.* I agree.

Although the ALJ did not directly address the reduction of Petitioner's SNAP benefits, it is clear from the record that, based on the information available to the Agency at the time it reduced Petitioner's SNAP benefits, the reduction of her SNAP benefits from \$355 to \$15 per month was correct. See Initial Decision at 2-3; see also Exhibits P-1, R-1. However, at the hearing, Petitioner produced documentation regarding her current housing costs which now need to be considered in calculating her monthly SNAP benefit amount going forward. See Initial Decision at 4 n.ii. Therefore, I am remanding the matter to the Agency solely to reevaluate Petitioner's monthly SNAP benefit amount.



Accordingly, the Initial Decision is hereby ADOPTED, the Agency's action is AFFIRMED, and the matter REMANDED to the Agency on the limited basis as discussed above.

Officially approved final version.

MAY 10 2010

Natasha Johnson
Director

