



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
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 09692-19 R.S.

AGENCY DKT. NO. C255018009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner challenges the correctness of the Respondent Agency's reduction of her Supplemental Nutrition Assistance Program ("SNAP") benefits. Petitioner's SNAP benefits were reduced because Petitioner's child, as a full-time, non-working, college student, is not eligible to participate in the SNAP program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The hearing was initially scheduled for October 8, 2019, but was adjourned due to a scheduling error as to the location of the hearing. The hearing was rescheduled for October 23, 2019 at the OAL in Newark, NJ, but was adjourned again at Petitioner's request, because she could not take a day off from work. The matter was rescheduled for a peremptory hearing on November 7, 2019. On that date, no representative from the Agency appeared. The Agency was contacted, and OAL staff were advised that no case worker was available to attend the hearing, and another adjournment was requested. Petitioner would not consent to the Agency's adjournment request because she was unable to take another day off from work to attend the hearing. Accordingly, the hearing proceeded without an Agency representative present. The Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony, and admitted documents. The record remained open to allow Petitioner to submit, and the Agency respond to, additional documentation regarding the notice of reduction in SNAP benefits. On November 13, 2019, Petitioner submitted additional documentation, and the Agency did not submit any documents. On November 15, 2019, the record then closed.

On December 10, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on June 26, 2019, the Agency notified Petitioner that her monthly SNAP benefit amount would be reduced from \$328, to \$164, effective August 1, 2019. See Initial Decision at 3; see also Exhibits P-6, P-7. The ALJ found, and Petitioner confirmed, that her 19-year-old child, who lived in the home, attended college full-time, and did not work at least 20 hours per week, thereby making the child ineligible to participate in the SNAP program. See Initial Decision at 3, 6; see also N.J.A.C. 10:87-3.14(a), (d)(1). The ALJ further found, in accordance with applicable regulatory authority, that Petitioner had not presented any other evidence to demonstrate that that her college-enrolled child qualifies to participate in the SNAP program. See Initial Decision at 6; see also N.J.A.C. 10:87-3.14. Accordingly, the ALJ concluded that Petitioner's college-enrolled is ineligible to receive



SNAP benefits, and affirmed the Agency's reduction of Petitioner's monthly SNAP benefits. See Initial Decision at 6, 7; see also Exhibit P-7, and N.J.A.C. 10:87-3.14. 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 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.

By way of comment, only one adjournment is permitted in SNAP fair hearings, which shall not exceed 30 days. See N.J.A.C. 10:87-8.6(a)(4)(i) and N.J.A.C. 1:10-9.1(b). It should be noted that, in the present matter, the time between the date of the initial scheduled hearing and the actual hearing date was significantly more than 30 days, and the hearing had been adjourned several times.

By way of further comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:87-8.15, which states, "The Agency shall appoint a representative to appear at the hearing who shall be [an Agency] representative who is familiar with the case and issue(s) involved in the hearing." Furthermore, as stated by the ALJ, when a matter is marked as "peremptory," no further adjournments are permitted, and the Agency must, therefore, ensure attendance by an Agency representative on the peremptory hearing date.

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

DEC 24 2018

Officially approved final version.

Natasha Johnson
Assistant Commissioner

