



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 09766-18 M.B.

AGENCY DKT. NO. C125070011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals the Respondent Agency's reduction of his household's Supplemental Nutrition Assistance Program ("SNAP") benefits and his resultant disqualification from the SNAP program for a period of one month, or until compliance, whichever is later. The Agency reduced Petitioner's household's SNAP benefits, and disqualified Petitioner from participation in SNAP, due to his failure to comply with the mandatory work requirement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 27, 2018, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 10, 2018, the ALJ issued an Initial Decision affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner on December 24, 2018.

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 AFFIRM the Agency's determination.

Here, the record reflects that on April 26, 2018, the Agency notified Petitioner that he was scheduled to report for his work activity orientation on May 15, 2018. See Initial Decision at 6; see also Exhibit P-4. Petitioner did not appear for the orientation, and the Agency reduced Petitioner's SNAP benefits. See Initial Decision at 6; see also Exhibit R-9, and N.J.A.C. 10:87-10.15. Petitioner then provided the Agency with a doctor's note, stating that Petitioner had a medical appointment on May 15, 2018, and the Agency rescinded the reduction. See Initial Decision at 6. On June 1, 2018, Petitioner was provided with a second appointment date for his work activity orientation, but again failed to attend that appointment. *Ibid.*; see also Exhibits R-2, R-3, R-9. As a result, Petitioner was disqualified from the SNAP program, and his household's SNAP benefits were reduced by his pro-rata share of said benefits. See N.J.A.C. 10:87-10.16(a)(1). Petitioner was notified of this reduction of the household's SNAP benefits, and the mandatory penalty of disqualification, on July 5, 2018. See Initial Decision at 3-4; see also Exhibit R-1.



Also, on June 1, 2018, the Agency notified Petitioner that his certification period was due to expire on July 31, 2018, and that a recertification telephonic interview was scheduled for June 22, 2018. See Initial Decision at 3; see also Exhibit R-4. The notification form did not list a working telephone number for Petitioner. Ibid. On June 19, 2018, the Agency requested additional information from Petitioner, and also requested that Petitioner "provide a working phone number where a caseworker can reach [him]." See Initial Decision at 3; see also Exhibit R-6. Thereafter, on June 22, 2018, the Agency notified Petitioner that he missed his scheduled telephone interview, and that he was responsible for calling the Agency to reschedule the interview. See Initial Decision at 3; see also Exhibit R-5. Petitioner failed to reschedule the interview. See Initial Decision at 7. The ALJ found the Agency credible when it testified that Petitioner had not provided a valid telephone number, and that he did not contact the Agency before the telephone conference to correct the telephone number, nor did he contact the Agency the day of the telephone conference. Ibid. The ALJ further found that Petitioner had numerous opportunities to correct any issues or concerns addressed in the notices from the Agency, to attend the work registration orientation appointment, and to perfect his required recertification review. Id. at 10.

Based on the record presented, the ALJ concluded that Petitioner's SNAP benefits were properly reduced for failing to comply with the recertification process, and for failing to comply with the SNAP work requirement, without good cause. Id. at 12. The ALJ also concluded that the Agency's action in reducing the household's SNAP benefits by a pro-rata amount, and disqualifying Petitioner from participation in SNAP, was proper and must stand. Id. at 12; see also Exhibit R-1, and N.J.A.C. 10:87-10.1, -10.15, -10.16. I agree. Petitioner is therefore advised that the pro-rata reduction will continue until such time as he comes into compliance with the SNAP work requirement. See N.J.A.C. 10:87-10.16(a)(1) (stating that, for a first violation, disqualification/ineligibility for participation in NJ SNAP shall be for one month, or until compliance, whichever is later (emphasis added)).

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

JAN 14 2019

Officially approved final version.

Natasha Johnson
Director

