



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 03548-19 S.B.

AGENCY DKT. NO. C066868006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from Respondent Agency's sanctioning of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency sanctioned Petitioner's SNAP benefits due to her failure to attend the mandated work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 3, 2019, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On April 17, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 I hereby ADOPT the Initial Decision and REVERSE the Agency's determination.

In accordance with N.J.A.C. 10:87-10.16(a)(1), when an individual fails to comply with the mandated work requirement, the individual shall be ineligible for SNAP benefits for a period of one month, or until such time as they come into compliance with the work activity requirement, whichever is later. The Agency shall be responsible for determining good cause in those instances where the Petitioner fails to comply with the work requirement. See N.J.A.C. 10:87-10.18(a). If the good cause presented represents a situation or condition which will continue for 60 days or more, the person shall be considered exempt. See N.J.A.C. 10:87-10.18(a)(2).

Here, the record reflects that the Agency had scheduled Petitioner to attend a SNAP training program on January 24, 2019. See Initial Decision at 2. Petitioner testified credibly that she was required to complete externships as part of a Medical Administrative Assistant Program she was completing, and therefore, did not attend the January 24, 2019, training session. *Ibid.*; see also Exhibit R-1 at 17-18. Thereafter, the Agency scheduled Petitioner to attend another training session on February 12, 2019. See Initial Decision at 2; see also Exhibit R-1 at 15. On February 11, 2019, Petitioner advised the Agency that she was still completing workshops in the Medical Administrative Assistant Program, and also included a copy of the February 2019 calendar of workshops she was required to attend. See



Initial Decision at 2; see also Exhibit R-1 at 19. Accordingly, Petitioner did not attend the February 12, 2019, training session. See Initial Decision at 2. On March 1, 2019, the Agency notified Petitioner that, effective April 1, 2019, her SNAP benefits would be sanctioned for one month, for failing to comply with a work or training requirement of the SNAP program, specifically, for her failure to attend the February 12, 2019, training program. Id. at 3; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:87-10.15, -10.16(a)(1).

The ALJ found that Petitioner had provided good cause for not attending the work activity, and that she reasonably believed that her attendance was excused when she provided information to the Agency that she was completing her Medical Administrative Assistant Program training by attending the mandatory workshops. See Initial Decision at 5. The ALJ further found that Petitioner is willing to attend a SNAP training session. Ibid. Therefore, the ALJ reversed the Agency's sanctioning of Petitioner's SNAP benefits, and directed the Agency to reschedule Petitioner's SNAP training session. Id. at 5-6; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:87-10.15, -10.16(a)(1). I agree.

By way of comment, Petitioner is reminded that if she again fails to attend the rescheduled SNAP training session, without good cause, her SNAP benefits shall be reduced pro rata for a period of one month, or until such time as she comes into compliance with the work activity requirement, whichever is later. See N.J.A.C. 10-87-10.16(a)(1).

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

Officially approved final version.

MAY - 3 2019

Natasha Johnson
Director

