



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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

REMAND DECISION

OAL DKT. NO. HPW **01464-20 A.Y.**

AGENCY DKT. NO. **C201035009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF and SNAP benefits, contending that it was unable to locate and/or verify Petitioner's residence. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 18, 2020, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow the parties the opportunity to provide additional documentation. On February 19, 2020, said documentation was received, and the record then closed. On February 21, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Pursuant to N.J.A.C. 10:90-5.11, an employed WFNJ/TANF benefits recipient may be eligible for the Supplemental Work Support ("SWS") Program if they have been in receipt of WFNJ/TANF benefits for a minimum of six months preceding their application for SWS, are employed for a minimum of 20 hours per week, have been employed for a minimum of four months prior to receiving SWS, agree to continue employment, apply for SWS while still eligible for WFNJ/TANF benefits, continue to have an eligible child in the WFNJ/TANF assistance unit, and agree to voluntarily close their WFNJ/TANF case upon being determined eligible for SWS.

Here, the record reflects that Petitioner had continuously resided, and received Agency notifications, at the subject address before and during the time she had been receiving WFNJ/TANF and SNAP benefits. See Initial Decision at 3; see also Exhibits P-1, P-3, P-6 through P-9, and R-2. Nevertheless, based on one communication sent by the Agency to Petitioner, which was returned by the post office as



"not deliverable as addressed," by notice dated January 15, 2020, the Agency terminated Petitioner's WFNJ/TANF and SNAP benefits, effective February 1, 2020, contending that it was unable to locate and/or verify Petitioner's residence. See Initial Decision at 2-3; see also Exhibits P-9, R-1, and N.J.A.C. 10:87-2.19(f) and 10:90-2.2(a)(5). Notwithstanding the fact that one letter was returned to the Agency by the post office on January 5, 2020, the ALJ found that it was undisputed that the Agency knew where Petitioner resided. See Initial Decision at 5, 7. Further, the ALJ found that on January 17, 2020, prior to the effective date the Agency's termination of Petitioner's WFNJ/TANF benefits, the Agency had acknowledged that Petitioner had proven her continued residence and that her WFNJ/TANF benefits would be restored. Id. at 4-5; see also Exhibit P-4. Moreover, the record reflects that the Agency had restored Petitioner's SNAP benefits on January 22, 2020, effective February 1, 2020, but had not restored Petitioner's WFNJ/TANF benefits. See Initial Decision at 4-5. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was improper and must be reversed. Id. at 7; see also Exhibit P-9. I agree.

Further, the ALJ also found that Petitioner was eligible for the SWS Program for which she had applied. See Initial Decision at 5-7; see also Exhibit P-1. I respectfully disagree. Specifically, the ALJ concluded that Petitioner's WFNJ/TANF benefits in the amount of \$13.00, were to be restored effective February 1, 2020, and that she was also eligible for SWS benefits beginning February 1, 2020. See Initial Decision at 7. However, the SWS program is only available to a former WFNJ/TANF benefits recipient who agrees to close their WFNJ/TANF case, agrees to continue employment, and agrees to accept a \$200 a month benefit amount in lieu of WFNJ/TANF benefits. See N.J.A.C. 10:90-5.11; see also DFD Instruction ("DFDI") No. 03-9-15. Therefore, based on the applicable regulatory authority, I find that Petitioner is not eligible for both WFNJ/TANF benefits and SWS benefits, as ordered by the ALJ. See Initial Decision at 7; see also N.J.A.C. 10:90-5.11; see also DFDI No. 03-9-15. As it is unclear from the record whether or not Petitioner is eligible at this time for the SWS program, I am remanding the matter to the Agency to reevaluate Petitioner's eligibility for said program. See Initial Decision at 5-7. The Initial Decision is modified to reflect this finding.

By way of comment, the transmittal in this matter indicates that Petitioner also appealed a termination of SNAP benefits. However, the record indicates that Petitioner's SNAP benefits were restored, effective February 1, 2020. Id. at 5. Therefore, Petitioner's SNAP issue is now moot, and not addressed in this Final Agency Decision.

By way of further comment, it appears from the record that Petitioner had a change of address in February 2020, and as such, she is advised that she must contact the Agency to update any current address change, if she has not already done so. See Exhibit P-8 at 1.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version.

MAR 13 2020

Natasha Johnson
Assistant Commissioner

