



State of New Jersey

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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 00625-20 B.B.

AGENCY DKT. NO. C051392012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that she failed to complete the required redetermination appointment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On March 6, 2020, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 6, 2020, the ALJ issued an Initial Decision, finding that Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits should not be terminated and Petitioner's December 2019 application for benefits be evaluated for continued benefits eligibility.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, AFFIRM the Agency's determination, and REMAND this matter to the Agency, based upon the discussion below.

Here, the only issue transmitted to OAL for consideration was the termination of Petitioner's WFNJ/GA benefits for failure to complete the required redetermination, necessary for continuation of benefits. See Exhibit R-1 at A; see also N.J.A.C. 10:90-3.22(a). When Petitioner missed the required redetermination appointment on December 16, 2019, the Agency sent Petitioner notice, dated December 17, 2019, advising her that failure to complete the redetermination/recertification process would result in Petitioner's WFNJ and SNAP cases being closed. See Exhibit R-1 at B. At the hearing before the ALJ, Petitioner provided no good cause reason for her failure to attend the appointment and, moreover, acknowledged the responsibility to redetermine/recertify for benefits. See Initial Decision at 2. Based on the foregoing, and an independent review off the record, the Agency's termination of Petitioner's WFNJ/GA benefits is hereby AFFIRMED.

The Initial Decision in this matter reflects, however, that ALJ in this case addressed a non-transmitted issue pertaining to Petitioner's SNAP benefits, as Petitioner did not understand why she did not receive



SNAP benefits in February and March, 2020. See Initial Decision at 3. It should be noted that the record in this matter reveals that Petitioner's certification period for receipt of SNAP benefits, as well as WFNJ/ GA benefits, would expire on January 31, 2020. See Exhibit P-1. Furthermore, unlike WFNJ benefits, which may be continued, pending a fair hearing, despite the expiration of a redetermination period, such is not the case for SNAP benefits. N.J.A.C. 10:87-9.1(a) states, "No household may participate [in SNAP] beyond the expiration of the certification period [] without a determination of eligibility for a new period. Households shall apply for recertification and shall comply with interview and verification requirements." Therefore, in order to continue to receiving SNAP benefits, uninterrupted, after the certification period ended on January 31, 2020, Petitioner was required to complete the requisite in-person interview and verification process. The Initial Decision is modified to reflect these findings.

Furthermore, it is unclear if, following submission of Petitioner's 2019, application, the necessary interview and verification process occurred for receipt of WFNJ and SNAP benefits. Therefore, this matter is remanded to the Agency to reevaluate Petitioner's eligibility for same on an expedited basis, if it has not already done so. If Petitioner's December 2019 application for benefits has been approved, SNAP benefits shall be issued retroactive to the date of approval of said application. See N.J.A.C. 10:87-6.3. If Petitioner's December 2019 application for WFNJ and SNAP was denied, Petitioner may request another fair hearing on that denial alone.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's action is AFFIRMED, and the matter is REMANDED to the Agency for action, as outlined above.

Officially approved final version.

APR 30 2020

Natasha Johnson
Assistant Commissioner

