



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 03386-20 S.J.

AGENCY DKT. NO. C043363015 (OCEAN COUNTY BOARD OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for WFNJ/GA benefits, contending that Petitioner did not provide information requested by the Agency. The Agency denied Petitioner's application for SNAP benefits, contending that Petitioner's food was being purchased by others. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On July 14, 2020, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. The record remained opened until July 23, 2020, for both parties to provide additional materials. On July 21, 2020, the Agency provided additional documentation. Thereafter, OAL staff contacted the Agency to inquire whether it had received any additional documents submitted by Petitioner, since the OAL had not received any documents from Petitioner. On August 25, 2020, the Agency forwarded to OAL, documents that it had received from Petitioner on July 16, 2020. The record then closed on August 25, 2020. On September 3, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter, and hereby ADOPT the ALJ's Initial Decision, REVERSE in part, and AFFIRM in part the Agency's determinations, as discussed below.

Here, the record reflects that on January 8, 2020, Petitioner telephonically completed a recertification application for SNAP benefits. See Initial Decision at 3; see also Exhibit R-3. On that same date, the Agency requested that Petitioner provide, among other items, and no later than January 21, 2020, a statement from B.E., Petitioner's neighbor, concerning payments made by B.E. on behalf of Petitioner, and whether those payments constituted a loan. See Initial Decision at 2, see also Exhibit R-2. On January 23, 2020, Petitioner applied for WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-6. On that same date, the Agency requested that Petitioner provide, among other items, and no later



than February 3, 2020, a statement from B.E., concerning payments made on Petitioner's behalf. See Initial Decision at 3; see also Exhibit R-5. Also on January 23, 2020, the Agency received a letter from B.E. indicating that she "has been helping [Petitioner] financially for the past three months October, November, and December, 2019, for food, rent, car insurance and bills." See Initial Decision at 3; see also Exhibit R-7. Thereafter, on February 24, 2020, the Agency denied Petitioner's application for WFNJ/GA benefits, contending that she did not provide the requested statement from B.E. See Initial Decision at 3; see also Exhibit R-4, and N.J.A.C. 10:90-2.2(a)(5). The next day, on February 25, 2020, the Agency denied Petitioner's application for SNAP benefits, because Petitioner's food was "being purchased by others." See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:87-2.2.

Notably, on February 28, 2020, Petitioner re-applied for WFNJ/GA and SNAP benefits. See Initial Decision at 3. On March 27, 2020, having supplied the information required by the Agency, Petitioner was approved for WFNJ/GA and SNAP benefits, retroactive to February 28, 2020, the date of her reapplication. Ibid.

Petitioner contends that she did not know that she was required to provide a statement from B.E. until January 23, 2020, the day she hand-delivered a hard copy of her applications for WFNJ/GA and SNAP benefits, and that B.E. could not have provided a statement earlier than that date, because she was elderly, and in a rehabilitation facility, without access to her computer and records. Id. at 4; see also Exhibits P-2, R-7. Petitioner further argues that her approval for WFNJ/GA and SNAP benefits, should have been retroactive to January 6, 2020, the date of her first application. See Initial Decision at 4

The ALJ found that, when Petitioner applied for WFNJ/GA benefits on January 23, 2020, she had provided some of the information about the financial assistance she received from B.E. See Initial Decision at 9; see also Exhibit R-6 at 6, 8. The ALJ further found that B.E. was in possession of the information requested by the Agency, and that B.E. was unable to provide that information due to her illness, and that this constituted good cause for Petitioner's purported failure to comply with the Agency's request for B.E.'s statement. See Initial Decision at 9; see also N.J.A.C. 10:90-2.2(d). Accordingly, the ALJ reversed the Agency's denial of Petitioner's January 23, 2020, application for WFNJ/GA benefits. See Initial Decision at 7, 9-10; see also Exhibits R-4, R-6, and N.J.A.C. 10:90-2.2(a)(5). I agree, and direct the Agency to provide Petitioner with retroactive WFNJ/GA benefits to January 23, 2020. See N.J.A.C. 10:90-1.2(f)(8).

With respect to the SNAP benefits, the ALJ found that, as the Agency's February 25, 2020, denial was effective March 1, 2020, and as Petitioner thereafter had reapplied for SNAP benefits, and was awarded said benefits retroactive to February 28, 2020, Petitioner had suffered no loss of benefits, and therefore affirmed the Agency's earlier SNAP benefits denial. See Initial Decision at 10; see also Exhibit R-1. I also agree.

Accordingly, the Initial Decision in this matter is ADOPTED, the Agency's determination is hereby REVERSED in part as to Petitioner's January 23, 2020, application for WFNJ/GA benefits, and AFFIRMED in part as to the Agency's February 25, 2020, denial of SNAP benefits, as outlined above.

Officially approved final version. OCT 20 2020

Natasha Johnson
Assistant Commissioner

