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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

FINAL DECISION

OAL DKT. NO. HPW **04005-23 B.L.**

AGENCY DKT. NO. **C083218012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits, the reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits and the subsequent termination of SNAP benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because Petitioner's children no longer resided with her, and terminated her EA benefits because she was no longer a WFNJ, nor a Supplemental Security Income ("SSI"), benefits recipient. Petitioner's SNAP benefits were reduced due to the decrease in both household size and unearned income, and later terminated because Petitioner had failed to return the required Interim Reporting Form ("IRF"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The plenary hearing initially began on June 14, 2023, before the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"). The hearing was continued on July 19, 2023. On that date, following conclusion of testimony, it was observed that the notice terminating Petitioner's SNAP benefits had been accidentally omitted. See Initial Decision at 3. The Agency was directed to provide a copy of that document within fourteen days, and the hearing would then continue on August 3, 2023, with limited testimony regarding that document. *Ibid.* On August 3, 2023, the notice terminating Petitioner's SNAP benefits was moved into evidence, and following the conclusion of testimony, the record then closed. On August 17, 2023, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. See N.J.S.A. 44:10-56. TANF is a component of WFNJ that provides assistance to adults with dependent children. See N.J.A.C. 10:90-1.1(b). General Assistance ("GA") is a component of WFNJ that provides assistance to adults without dependent children. *Ibid.*



Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Regulatory authority applicable to SNAP benefit cases, defines income as “all income from whatever source unless such income is specifically excluded.” See N.J.A.C. 10:87-5.3.

Households determined eligible for SNAP benefits are certified for said benefits for a definite period of time. See N.J.A.C. 10:87-6.20. County Welfare Agencies (“CWAs”) assign the longest certification periods possible based upon the predictability of the household’s circumstances. Ibid. In households which contain adult members who are all elderly or disabled, the certification period assigned is for up to 24 months, with at least one CWA contact every 12 months. Ibid.; see also N.J.A.C. 10:87-9.5(a) (stating that in households which contain all elderly or disabled adults with only unearned income, the certification period is for 24 months, with a 12-month interim contact). In such instances, an IRF is sent to the household at the 12-month interim contact point. See N.J.A.C. 10:87-9.5(a)(3). Furthermore, in all cases, an IRF must be in the recipient’s case. See N.J.A.C. 10:87-9.5(a)(3)(i). If the recipient’s case closes, a new application must be filed by the household in order to receive SNAP benefits. Ibid. The Agency may reinstate a SNAP benefits case only during the 30 days following the effective of ineligibility, without a new application, provided that a completed IRF has been supplied during the 30 day period. See DFD Instruction 12-08-01.

The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 3-12. Specifically, the record reflects that Petitioner had been receiving WFNJ/TANF, EA and SNAP benefits when it was determined that Petitioner’s children were no longer residing with her. See Initial Decision at 3. Upon confirming that Petitioner no longer had primary custody of her children, the Agency terminated Petitioner’s WFNJ/TANF benefits effective May 1, 2023. Ibid. As Petitioner was no longer receiving WFNJ benefits, Petitioner was no longer eligible for EA benefits, and Petitioner was noticed that her EA benefits would be terminated effective May 14, 2023. Id. at 4. As a result of the decrease in household size, and the resultant decrease of unearned income in the form of WFNJ/TANF benefits, Petitioner was then provided notice that her SNAP benefits would be reduced. Ibid. Shortly thereafter, Petitioner’s SNAP benefits were terminated, effective May 1, 2023, due to Petitioner’s failure to return the required IRF by March 15, 2023. Ibid. Based on the testimonial and documentary evidence presented in this matter, the ALJ concluded that the Agency had properly terminated Petitioner’s WFNJ/TANF and EA benefits, and had also properly reduced, and later terminated, Petitioner’s SNAP benefits. Id. at 9, 10, 11, 12. Based on the foregoing, the ALJ found that the Agency’s actions in this matter were proper and must stand. Id. at 12. I agree.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/GA, EA and SNAP benefits, if she has not already done so.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s determinations are in this matter AFFIRMED, as outlined above.

Officially approved final version. August 31, 2023

Natasha Johnson
Assistant Commissioner

