



## 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

FINAL DECISION

OAL DKT. NO. HPW **11044-22 L.H.**

AGENCY DKT. NO. **S499214012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of his application for Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and the termination of his Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for WFNJ/GA benefits, and terminated Petitioner's SNAP benefits, contending that Petitioner had failed to provide documentation necessary to determine eligibility, or continued eligibility, for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 10, 2023, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for the submission of additional documentation by both parties and then closed on January 13, 2023. On January 27, 2023, the ALJ issued an Initial Decision, affirming the Agency's denial of WFNJ/GA benefits, and reversing the Agency's termination of SNAP benefits.

Exceptions to the Initial Decision were received from the Agency on February 3, 2023.

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, and AFFIRM the Agency's actions in this case, based on the discussion below.

In relevant part, pursuant to N.J.A.C. 10:90-2.2(a)(3), as a condition of eligibility for WFNJ cash benefits, the applicant/recipient must apply for all other assistance for which they may be eligible, including applying for Supplemental Security Income ("SSI") benefits, and must participate in any appeals process, as appropriate.

Also in relevant part, pursuant to N.J.A.C. 10:90-2.7(a)(1) an eligible WFNJ/Temporary Assistance for Needy Families ("WFNJ/TANF") assistance unit is comprised of the parent(s), parent person(s), or legal guardian and his or her related dependent child(ren) who are living together and function as one economic unit. A WFNJ/GA assistance unit typically consists of one adult individual or a couple without dependent children. See N.J.A.C. 10:90-2.7(b)(1).



In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income. See N.J.A.C. 10:87-2.19.

N.J.A.C. 10:87-2.24(c), in pertinent part, requires that changes reported subsequent to certification are subject to the same verification requirements, meaning that reported income, both earned and unearned, must be verified. See also N.J.A.C. 10:87-9.5 (outlining changes which must be reported to the Agency).

Additionally, DFD Instruction (“DFDI”) no. 13-11-04, provides that “[t]he [Agency] may reinstate a SNAP household's eligibility for benefits only during the first 30 days following the effective date of ineligibility without requiring the household to submit a new application, provided that the required verifications have been supplied within 30 days following case closure. The reason for the case closure must be fully resolved prior to reopening the case.”

The salient facts in this matter reveal that Petitioner applied for WFNJ/GA and SNAP benefits on September 8, 2022. See Initial Decision at 2; see also Exhibit R-1. At the time of his application, the assistance unit/household was comprised of Petitioner, Petitioner’s partner and his son. Ibid. The record further reflects that various information and documentation was requested from Petitioner to determine eligibility. See Initial Decision at 2-3. It would appear that Petitioner was approved for expedited SNAP benefits. On October 11, 2022, the Agency denied Petitioner’s application for WFNJ/GA benefits because he had not provided verification requested to determine eligibility, and had not provided proof that he had applied for SSI benefits. See Initial Decision at 3; see also Exhibit R-4 at 88. Following a review of the facts and evidence presented in this case, the ALJ agreed with the Agency, and found that the WFNJ/GA denial was proper and must stand. See Initial Decision at 8-9, 11. I agree.

However, with respect to the termination of Petitioner’s termination of SNAP benefits, the ALJ found that the Agency had improperly terminated Petitioner’s SNAP benefits, and reversed the Agency termination. See Initial Decision at 10, 11. I respectfully disagree and find the ALJ’s interpretation of N.J.A.C. 10:87-2.24(c), and application of N.J.A.C. 10:87-2.27(e)(1) to be misplaced. Rather, I find that the N.J.A.C. 10:87-2.24(c) requires that certain reported changes must be verified, such as unearned income, as was the case in this matter, but I do not find that the application procedures, as outlined in N.J.A.C. 10:87-2.27(e), due to a delay in processing to be applicable in this instance. See Initial Decision at 10. Rather, I find the 10-day letter to Petitioner, dated October 11, 2022, was appropriate, and when a change in unearned income was discovered, requested documentation, necessary to verify certain deposits was not forthcoming, and the Agency properly issued a termination letter, advising that Petitioner’s SNAP benefits case would close effective November 1, 2022. See Exhibit R-4 at 49 and Exhibit R-5 at 91; see also N.J.A.C. 10:87-2.16, -2.24(c), -9.5. In accordance with DFDI no. 13-11-04, had the requested documentation been provided within 30-days of the effective closure date, Petitioner’s SNAP case could have been reopened. However, the requested documentation and necessary explanation, namely being to provide the frequency and amount of assistance from third parties, was not received during the 30 day period, and as such, Petitioner’s SNAP case remained closed. Based on the foregoing, I find that the Agency’s termination of Petitioner’s SNAP benefits was also proper and must stand. See Exhibit R-5 at 91. The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner is without prejudice to reapply for WFNJ and SNAP benefits in his current county of residence, but is reminded that he must provide all information and documentation requested in order to determine eligibility. Additionally, given the composition of Petitioner’s household, he should apply for WFNJ/TANF benefits, not WFNJ/GA benefits. See N.J.A.C. 10:90-2.7(a)(1), (b)(1).

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



Officially approved final version.

March 7, 2023

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Natasha Johnson

Assistant Commissioner

