



## State of New Jersey

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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 **06709-23 N.G.**

AGENCY DKT. NO. **C047816019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals the Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner WFNJ/TANF benefits, contending that Petitioner had failed to complete an interview necessary to determine eligibility for WFNJ/TANF benefits, and terminated Petitioner's SNAP benefits because Petitioner had failed to provide requested documentation necessary to determine eligibility for SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 12, 2023, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 14, 2023, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were filed by Petitioner on October 10, 2023.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income, as well as residence. See N.J.A.C. 10:87-2.19, -2.20. Without said verification of required information, SNAP eligibility cannot be determined or granted. *Ibid.*

With respect to WFNJ benefits, an applicant/recipient, as a condition of eligibility for WFNJ/TANF benefits, shall, among other things, provide all necessary documentation. See N.J.A.C. 10:90-2.2(a)(5).

Here, the record reflects that on February 10, 2023, Petitioner applied for SNAP benefits. See Initial Decision at 2, see also Exhibit R-1 at 26-35. On that same day, the Agency sent Petitioner a Notice of Verification requesting a number of documents, including the completed application, full bank statements, an affidavit of separate households, and any rent paying agreement between Petitioner



and other parties. See Exhibit R-1 at 11. On February 27, 2023, the Agency received Petitioners documents, calculated her income, and approved her for SNAP benefits for February 2023, through July 31, 2023. See Exhibit R-1 at 36-49, 50-52. On that same day, the Agency sent Petitioner another request for verification seeking 2021 and 2022 personal and business tax returns, a profit and loss statements for an LLC business in North Carolina for which Petitioner was discovered to be listed as a founder/agent, and if the business had been dissolved, verification, besides a self-attesting letter, showing formal dissolution of the LLC. See Initial Decision at 2; see also Exhibit R-1 at 64. When the requested documentation was not received, the Agency terminated Petitioner's SNAP benefits on March 13, 2023, effective April 1, 2023. See Exhibit R-1 at 53-54. Following presentation of testimonial and documentary evidence in this case, the ALJ found the Agency's evidence credible, and that Petitioner had provided no documentation to refute the Agency's position. See Initial Decision at 3-4. The ALJ therefore concluded that Petitioner had not provided the requested information required to be verified to determine eligibility, and as such, the Agency's termination of Petitioner's SNAP benefits was proper and must stand. See Initial Decision at 4; see also N.J.A.C. 10:87-2.19, -2.20. I agree.

With respect to the issue of the denial of WFNJ/TANF benefits, the record reflects that on February 9, 2023, Petitioner applied for WFNJ/TANF benefits online. See Initial Decision at 2; see also Exhibit R-1 at 13-25. On February 10, 2023, as part of the application process, the Agency attempted to contact Petitioner to participate in a telephone interview. See Initial Decision at 2; see also Exhibit R-1 at 2. On February 17, 2023, the Agency again called Petitioner at the telephone number listed on her application and Petitioner asked the Agency to call her back later that same day between 11:00 a.m. and 3:00 p.m. See Initial Decision at 2. On that same date, the Agency called Petitioner three times, beginning at 1:33 p.m., to conduct the telephonic phone interview, but Petitioner did not accept the calls. Ibid.; see also Exhibit R-3. As a result, the Agency denied Petitioner's WFNJ/TANF application on March 13, 2023, for failure to complete the required interview. See Initial Decision at 2; see also Exhibit R-1 at 53-54, and N.J.A.C. 10:90-2.2(a)(5). The ALJ found that, as the Agency was unable to reach Petitioner to conduct the required telephone interview, resulting in an incomplete application for benefits, the Agency's denial of WFNJ/TANF benefits was proper and must stand. Id. at 3-5. I also agree.

By way of comment, I have reviewed the Exceptions submitted on behalf of the Petitioner, and I find that the arguments made therein do not alter my decision in this matter. Moreover, Petitioner included documents with her Exceptions which were not introduced at the hearing before the ALJ. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ.

By way of further comment, Petitioner is without prejudice to reapply for WFNJ/TANF and SNAP benefits, but must comply with all program requirements, and provide all requested documentation necessary to determine eligibility.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.      October 19, 2023

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Natasha Johnson  
Assistant Commissioner

