



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 **03789-23 S.H.**

AGENCY DKT. NO. **S488058012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's determination to reduce his Supplemental Nutrition Assistance Program ("SNAP") benefits for the month of January, 2023, and the termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency reduced Petitioner's SNAP benefits for January, 2023, because the Petitioner's grandchildren were reported to be on the SNAP case for their biological mother in another county, at the same time Petitioner had them listed on his SNAP case. The WFNJ/TANF benefits were terminated due to Petitioner's failure to cooperate with mandatory child support requirements within the requisite time frame. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 25, 2023, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 29, 2023, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were received from Petitioner on September 7, 2023.

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, REVERSE the Agency's determination with respect to the January 2023 SNAP benefits, and AFFIRM the Agency's determination as to the termination of WFNJ/TANF benefits, based on the discussion below.

In accordance with N.J.A.C. 10:87-2.2(d)(2), "[u]nder no circumstances shall duplicate participation [in SNAP] occur. The child(ren) cannot be a part of two NJ SNAP households at the same time."

Pursuant to N.J.A.C. 10:90-16.2, the first step in the application process for WFNJ/TANF eligibility, is cooperation with the child support requirements set out in N.J.A.C. 10:90-16.3, and the good faith effort requirement set out in N.J.A.C. 10:90-16.4. With respect to the child support cooperation, N.J.A.C. 10:90-16.4(d) states, in pertinent part, "The applicant shall receive the notice of initial cooperation with child support advising that he or she has 30 days from the date of the notice to provide the required information. The applicant/recipient who fails to make a good faith effort or who does not provide the requested information within the required 30 days, shall be sent a notice to meet ongoing child support



requirements advising him or her that if the requested information is not provided within the next 30 days, the family shall be ineligible for cash benefits under WFNJ and the case shall be terminated or the application denied, as applicable, subject to timely and adequate notice in accordance with N.J.A.C. 10:90-9.1(a) and (b), as appropriate.... The applicant/recipient who has been denied or terminated due to non-cooperation with child support has a right to reapply for WFNJ benefits at any time in accordance with the WFNJ application requirements and procedures.”

Here, the record reflects that Petitioner applied for both WFNJ/TANF and SNAP benefits on October 21, 2022, on behalf of his three grandchildren. See Initial Decision at 3. With respect to SNAP benefits, the specific issue in this matter pertains to retroactive benefits for the month of January, 2023. See Initial Decision at 2. I hereby take official notice that the records of this office show that in October, 2022, prior to the time when Petitioner applied to increase his SNAP household to include his three grandchildren, Petitioner was receiving an allotment for household of one person, and in December, 2022, received the maximum allotment for a household of four persons. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4); see also DFD Instruction (“DFDI”) 22-09-02 at 12. After approving Petitioner for the increased allotment size for the household, in December, 2022, the Agency learned that the children were still included on the SNAP case of the children’s biological mother in a neighboring county. See Initial Decision at 2; see also Exhibit R-5. As applicable regulatory authority states that children may not simultaneously be a part of two separate SNAP households, as a result, Petitioner was advised by notice, dated December 8, 2022, that effective January 1, 2023, that the children would be removed from Petitioner’s SNAP benefits case and Petitioner’s SNAP benefits would be reduced to the amount for a household of one person. See Initial Decision at 2; see also N.J.A.C. 10:87-2.2(d)(2), and Exhibit R-2 at 9. However, the record in this matter definitively shows that, while the children’s mother received the maximum SNAP benefits allotment for a household of four persons in December, 2022, the mother’s SNAP benefits allotment was reduced on January 1, 2023, to the maximum allotment for a household of one person. See Exhibit R-5. As Petitioner testified that the children were, in fact, residing with him in January, 2023, and because there would be no duplication of SNAP benefits for that specific month as substantiated by the record in this matter, I find that Petitioner is entitled to SNAP benefits for a household of four persons for January, 2023, and hereby direct that the Agency issue retroactive SNAP benefits to Petitioner for that month accordingly. See N.J.A.C. 10:87-8.18. The Initial Decision is modified to reflect the above findings.

With regards to the termination of Petitioner’s WFNJ/TANF case, based upon an independent review of the record in this case, I find that, while Petitioner was given initial cooperation with child support requirements on November 1, 2022, that cooperation was pending additional necessary information and documentation. See Exhibit R-1. Thereafter, by notice dated December 21, 2022, the Agency advised Petitioner of a telephone appointment on January 3, 2023, with respect to the needed documentation. Ibid. The record indicates that during the January 3, 2023, telephone appointment, Petitioner stated that he would not provide the necessary documentation, despite being advised that failure to cooperate would result in the termination of WFNJ/TANF benefits. Ibid. Notices were then sent to Petitioner on that date advising him to reschedule the telephone appointment within 10 days. Ibid. When the required documentation was not received, on January 9, 2023, Petitioner was advised that the WFNJ/TANF benefits on behalf of the children would cease due to Petitioner’s non-cooperation with the child support requirements. See Exhibit R-2 at 19; see also N.J.A.C. 10:90-16.4(d). The record further reflects that it was not until February 21, 2023, after the WFNJ/TANF case had already closed, that Petitioner then provided the needed documentation and he was found to have cooperated. See Exhibit R-1. The February, 2023, cooperation date is well beyond the two 30-day periods as outlined in the above quoted regulatory authority. See N.J.A.C. 10:90-16.4(d). Accordingly, I agree with the ALJ’s conclusion with respect to the Agency’s termination of the WFNJ/TANF benefits, and as such, I find that termination is proper and must stand. See Initial Decision at 5-6.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/TANF benefits, if he has not already done so.



Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination as to the retroactive SNAP benefits for January, 2023, is REVERSED, and the Agency's action terminating Petitioner's WFNJ/TANF benefits is hereby AFFIRMED, as outlined above.

Officially approved final version.      October 31, 2023

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Natasha Johnson  
Assistant Commissioner

