



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 **02062-23 U.C.**

AGENCY DKT. NO. **S941709009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner WFNJ/GA and SNAP benefits, contending that he failed to provide documentation required to determine eligibility for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic plenary hearing was originally scheduled for May 11, 2023, but was adjourned by Petitioner to allow him the opportunity to retain counsel. The matter was rescheduled, and on June 13, 2023, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. No Agency representative appeared at the hearing. On June 15, 2023, the ALJ issued an Initial Decision, reversing the Agency's actions in this matter.

Exceptions to the Initial Decision were received from the Agency on June 20, 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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

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 liquid resources, and the eligibility status of applicant aliens. 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.*

In order to determine eligibility for WFNJ/GA benefits, certain documentation is required in order to determine WFNJ/GA benefits eligibility, including but not limited to eligibility status of applicant aliens. See N.J.A.C. 10:90-2.1(b), -2.2(a), -2.10.

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 2-8. Specifically, based on Petitioner's credible testimony, and the Agency's failure to attend the hearing to rebut said testimony, the ALJ found that Petitioner



had provided the Agency with all requested documents, including documentary evidence of his eligible alien status. See Initial Decision at 2-4; see also N.J.A.C. 10:90-9.12(b), and N.J.A.C. 10:87-8.15. Accordingly, the ALJ concluded that Petitioner was eligible for both WFNJ/GA and SNAP benefits, and as such, further concluded that the Agency's denial of WFNJ/GA and SNAP benefits to Petitioner was improper and must be reversed. See Initial Decision at 4-8; see also N.J.A.C. 10:90-2.1(b), 2.2(a), and N.J.A.C. 10:87-2.19, -2.20. I agree. Moreover, I find that Petitioner's parole status, in accordance with N.J.A.C. 10:90-2.10(b)(1)(v), made Petitioner an eligible alien, until such time as he obtained permanent residency. See Exhibit P-1. While I find Petitioner is eligible for WFNJ/GA benefits, retroactive to his application date of September 13, 2022, as no MED-1 form has been presented in the record, said benefits shall be issued at the employable rate. I also take official notice of the fact that the records of this Agency reflect that Petitioner previously received WFNJ/GA benefits from April 2021, through June 2022, at the employable rate. Additionally, with respect to Petitioner's SNAP benefits, I find that while regulatory authority requires verification of certain information, I agree with the ALJ that Petitioner's credible testimony, given under oath at the hearing, meets said verification. See Initial Decision at 4, 6; see also N.J.A.C. 10:87-2.19, -2.20.

By way of comment, I have reviewed the Agency's Exceptions and I find that the arguments made therein do not alter my decision in this matter. The Agency is also reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b). Finally, the Agency is reminded that documentation not presented at the hearing before the ALJ, and admitted into evidence at the hearing, shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determinations are REVERSED.

Officially approved final version. August 31, 2023

Natasha Johnson
Assistant Commissioner

