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 **5432-17** D.R.

AGENCY DKT. NO. **C691269007** (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of her application for Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and termination of her Supplemental Nutrition Assistance Program ("SNAP") benefits, because it contended that she is a college student and therefore ineligible for benefits. Respondent also appeals the Agency's denial of her application for Emergency Assistance ("EA") benefits because she is not a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 11, 2017, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On May 12, 2017, the ALJ issued an Initial Decision affirming the Agency determination.

No Exceptions to this Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I hereby MODIFY the ALJ's Initial Decision and AFFIRM the determination by the Agency.

Here, the ALJ concluded that Petitioner did not meet the definition of a student under the relevant SNAP regulations. See Initial Decision at 3; see also N.J.A.C. 10:87-3.14(a). Specifically, the ALJ found that Petitioner was not enrolled as a student for a minimum of 20 hours per week, nor did she participate in a federally financed work program. See Initial Decision at 3; see also N.J.A.C. 10:87-3.14(d). Therefore, the ALJ concluded that Petitioner is an ineligible college student who fails to meet the relevant exemption criteria required for receipt of SNAP benefits as a student. See Initial Decision at 3-4; see also N.J.A.C. 10:87-3.14(d) I agree.

In addition, the ALJ concluded that Petitioner was ineligible for EA benefits because she was not a WFNJ or SSI benefits recipient. See Initial Decision at 3; see also N.J.A.C. 10:90-6.2(a). I also agree.

Finally, the ALJ concluded that, pursuant to N.J.A.C. 10:90-2.11(b)(3), Petitioner did not meet the definition of a college student and therefore, her application for WFNJ/GA benefits was correctly denied. See Initial Decision at 3. However, I note that while N.J.A.C. 10:90-2.11(b)(3) explains the eligibility criteria for college students seeking WFNJ/GA benefits, this regulation was superseded by the 2013 Appropriations Act ("Act"), P.L. 2012, c.18. Pursuant to the Act, college students are now ineligible for WFNJ/GA benefits as of July 1, 2012. See FYE 2013 Appropriations Act (P.L. 2012, c.18); see also FYE 2014 Appropriations Act (P.L. 2012, c.77) and DFDI 12-08-03. The Appropriations language prohibiting the extension of WFNJ/GA benefits to those single adults enrolled in college has been extended in each successive fiscal year budget cycle, including the 2016 budget.

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See www.state.nj.us/treasury/omb/publications/16budget/pdf/FY16BudgetBook.pdf at D-212.

Therefore, while I agree with the ALJ, that Petitioner does not meet the eligibility requirements for receipt of WFNJ/GA benefits, the Initial Decision is modified to reflect the above legal analysis in reaching that conclusion.

Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency's determination is AFFIRMED.

Officially approved final version.

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Natasha Johnson
Director