



State of New Jersey

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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 5430-17 N.S.

AGENCY DKT. NO. C677585007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Agency's sanctioning of her Supplemental Nutrition Assistance Program ("SNAP") benefits and Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits on recertification, and the termination of her Emergency Assistance ("EA") benefits. The Agency sanctioned Petitioner's SNAP and WFNJ/TANF benefits due to Petitioner's failure to provide information necessary to determine eligibility. The Agency also terminated Petitioner's EA benefits. 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. On May 16, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I ADOPT the Initial Decision and AFFIRM the Agency determination.

Here, Petitioner reported to the Agency, during a recertification in March 2017, that her boyfriend, a member of the household, lost his job. See Initial Decision at 3. However, because Petitioner failed to provide requested documentation regarding her boyfriend's eligibility for unemployment benefits, the household's monthly benefit amount of WFNJ/TANF and SNAP benefits was reduced. *Ibid.*; see also Exhibits R-1 and R-2. The ALJ concluded that, based on the record presented, Petitioner had failed to give good cause for her failure to provide the requested documentation, and consequently, the Agency correctly sanctioned Petitioner's WFNJ/TANF and SNAP benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90-2.2(a)(5); see also N.J.A.C. 10:87-2.14. I agree.

In regards to the termination of Petitioner's EA benefits, the record reflects that Petitioner received EA benefits in November and December 2016, and January 2017. See Exhibit R-1. At some time thereafter, Petitioner's landlord then initiated eviction proceedings against Petitioner; however, that matter was dismissed. See Initial Decision at 3. As a result, the ALJ concluded that Petitioner does not currently have a need for EA, as there is no housing emergency. *Id.* at 4. The ALJ also noted that there is no evidence presented of an application for an extension of EA or a denial. *Id.* at 2. The transmittal in this matter indicates a loss of WFNJ eligibility as the basis for the loss of EA benefits, however, that is not substantiated by the record, as Petitioner received WFNJ/TANF benefits in February, March, April, and May 2017. See Exhibit R-1. Therefore, it is unclear as to the basis for the Agency's termination of EA benefits and Petitioner may request another fair hearing on that issue alone, if that issue remains.



By way of comment, the ALJ determined that an investigation was necessary to determine whether Petitioner received WFNJ/TANF benefits for March 2017 and SNAP benefits for April 2017. Ibid. However, the record presented in this matter reflects that payments for the months in question appear on both Petitioner's WFNJ/TANF and SNAP benefit histories, and in the case of SNAP benefits, that said benefits were used. See Exhibits R-1 and R-2. Therefore, an investigation by the Agency into this matter is unnecessary.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's actions are hereby AFFIRMED.

Officially approved final version.

Natasha Johnson

Director

