



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 07885-17 J.P.

AGENCY DKT. NO. S465932001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and a reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits and reduced his monthly SNAP benefits contending that he no longer had his four children as part of his eligible household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 19, October 11, and October 31, 2017, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a hearing, took testimony, and admitted documents. The record remained open to allow for post-hearing submissions and closed on December 15, 2017.

On December 22, 2017, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, based on the testimony of several witnesses, and the voluminous documentary evidence presented at the hearing, the ALJ found that, from October 2016 through May 2017, Petitioner's four children primarily resided with Petitioner at his home. See Initial Decision at 2-13; see also Exhibits P-1 through P-4, P-16, P-17, P-20, P-23, P-27, R-1 through R-8, and R-11 through R-16. Moreover, the ALJ found that the surveillance conducted by the Agency, used to support the termination of Petitioner's WFNJ/TANF benefits and reduction of SNAP benefits, did not establish that Petitioner's children did not primarily reside with him. See Initial Decision at 4-6, 8, and 15; see also Exhibits R-1 through R-8, R-17, P-3, P-4, and P-17. Further, the ALJ found that although Petitioner's children stayed with their paternal grandmother on occasion, that temporary absence of the children from Petitioner's home did not affect his eligibility for WFNJ/TANF and SNAP benefits. See Initial Decision at 11-12, 15; see also Exhibits R-14, R-16, and P-27, and N.J.A.C. 10:90-2.7(a)(1), -2.16(a), and N.J.A.C. 10:87-2.1, -2.2(a)(3), -3.2(a), -3.3(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits, and the reduction of his monthly SNAP benefits, was improper and must be reversed. See Initial Decision at 15; see also Exhibit R-9. Based on a thorough review of the record, I agree.

No Exceptions to the Initial Decision were received.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.



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

Officially approved final version. **JAN 09 2018**

Natasha Johnson

Director

