



State of New Jersey

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CAROLE JOHNSON
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NATASHA JOHNSON
Director

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

AMENDED DECISION

OAL DKT. NO. HPW 10005-18 M.D.

AGENCY DKT. NO. C142495015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

On October 1, 2018, a Final Agency Decision ("FAD") was issued in this matter. This Amended FAD is being issued to recognize receipt of Exceptions filed by Petitioner, on October 3, 2018.

Petitioner appeals the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits due to non-compliance with the required work activity, and for failure to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for August 6, 2018, but was adjourned after Petitioner requested more time to obtain a doctor's note indicating that he is unable to participate in the work activity. On September 10, 2018, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 24, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on June 11, 2018, Petitioner applied for SNAP benefits, and had indicated in his application that he was disabled. See Initial Decision at 2; see also Exhibit R-2. On that same date, the Agency requested that Petitioner provide a doctor's note stating that Petitioner is unable to work, and further advised Petitioner that this note was required to continue processing his application for SNAP benefits. See Initial Decision at 2; see also Exhibit R-3. Also, the Agency had scheduled Petitioner to attend a work training orientation appointment on June 20, 2018, but Petitioner failed to attend on that date. See Initial Decision at 2; see also Exhibits R-5, R-6. The ALJ in this matter found, and Petitioner acknowledged, that Petitioner had failed to submit a physician's note stating that he is disabled and unable to participate in the work activity. See Initial Decision 3, 5. Based on the record presented, the ALJ concluded that the Agency had properly denied Petitioner's application for SNAP benefits for failing to comply with the SNAP work requirement, without good cause, and further concluded that Petitioner had failed to present evidence that he was exempt from the work/training requirement. Id. at 6; see also Exhibit R-1, and N.J.A.C. 10:87-10.2(b)(4)(3), -10.15. I agree.

Exceptions to the Initial Decision were filed by Petitioner on October 3, 2018.



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 concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

By way of comment, only one adjournment may be granted in SNAP fair hearings, which shall not exceed 30 days. See N.J.A.C. 10:87-8.6(a)(4)(i) and N.J.A.C. 1:10-9.1(b). It should be noted that there were two adjournments in this case, which, combined, exceeded the permissible maximum of 30 days.

By way of further comment, I have reviewed the Exceptions submitted by Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, I have reviewed the Exceptions submitted by Petitioner, and I find that the arguments made therein do not alter my decision in this matter. Moreover, Petitioner includes documents with his Exceptions which were not introduced at the hearing before the ALJ. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ.

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

Officially approved final version.

OCT - 3 2018

Natasha Johnson

Director

