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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

FINAL DECISION

OAL DKT. NO. HPW 14066-18 O.S.

AGENCY DKT. NO. C121012006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits and the termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner WFNJ/GA benefits, and terminated Petitioner's SNAP benefits, contending that she was not a resident of Cumberland County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 31, 2018, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow the Agency the opportunity to submit Petitioner's Electronic Benefits Transfer ("EBT") history, and the record then closed on November 9, 2018. On November 21, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, as discussed below.

Here, the ALJ found that Petitioner was a resident of Cumberland County for purposes of administering WFNJ/GA and SNAP benefits. See Initial Decision at 4-5; see also N.J.A.C. 10:90-2.12(c), 10:87-3.2(a). Specifically, the ALJ found that, although Petitioner occasionally resided in an abandoned camper in another county, she had affirmatively stated at the hearing her intent to reside in Cumberland County; nearly all her EBT purchases were made in Cumberland County; her doctor is in Cumberland County; and she receives mail at a post office box located in Cumberland County. See Initial Decision at 4; see also Exhibits P-1, R-1 at 11, 12, 19-22 and R-2. Further, the ALJ found that the Agency had failed to provide any evidence that Petitioner resided in another county other than the fact that her camper is there. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/GA benefits, and its termination of Petitioner's SNAP benefits, were improper and must be reversed, and that Petitioner's WFNJ/GA application was to be processed, and her SNAP benefits



reinstated, in Cumberland County. Id. at 4-5; see also Exhibit R-1 at 2-4, and N.J.A.C. 10:90-2.12(c), 10:87-3.2(a).

While I concur with the ALJ's conclusion that Petitioner is a resident of Cumberland County for purposes of administering WFNJ/GA and SNAP benefits, I find that the ALJ's reversal of the Agency's denial of WFNJ/GA benefits, and the termination of SNAP benefits, was based solely on the residency eligibility requirement for receipt of such benefits. See Initial Decision at 4-5; see also N.J.A.C. 10:90-2.12(c), 10:87-3.2(a). As such, I find that the ALJ's conclusion does not render Petitioner substantively eligible for WFNJ/GA benefits, but rather, that Petitioner must be determined eligible for said benefits in accordance with all other applicable WFNJ regulatory authority. Should Petitioner be denied WFNJ/GA benefits based on some other regulatory authority, she may request another fair hearing on that denial. The Initial Decision is modified to reflect this finding.

Additionally, Petitioner claimed that she should be eligible for WFNJ/GA benefits on the basis of past domestic violence, and eligible for a waiver from the required WFNJ work activity on the basis that the commute from her camper to Cumberland County is unduly burdensome. See Initial Decision at 2-3; see also Exhibit R-1 at 12-16. However, the ALJ found Petitioner's claims to be without merit. See Initial Decision at 3, 5. I agree with this finding. Moreover, I take official notice of the fact that Petitioner raised the issue of a domestic violence waiver in her recent appeal before the Superior Court of New Jersey, Appellate Division, Docket numbers A-4368-15T1 and A-4958-15T1, decided September 24, 2018, and the court found that Petitioner no longer qualified for such a waiver. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4).

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, as outlined above.

Officially approved final version.

DEC 18 2018

Natasha Johnson

Director

