



## State of New Jersey

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TRENTON, NJ 08625-0716

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*Assistant Commissioner*

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 15357-25 B.U.

AGENCY DKT. NO. C875789007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, as well as the reduction of her monthly Supplemental Nutrition Assistance Program ("SNAP") benefits allotment. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that there was no eligible child in her household, thereby rendering her ineligible to receive said benefits, and reduced Petitioner's SNAP benefits allotment due to a change in household composition. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 7, 2025, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 28, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination as to the termination of Petitioner's WFNJ/TANF benefits, but ordering the Agency to provide Petitioner with uninterrupted SNAP benefits from May 2025 to October 2025.

No Exceptions to the Initial Decision were received.

As the Assistant Commissioner 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 AFFIRM the Agency's determinations, based on the discussion below.

At the outset, it should be noted, that while the reduction of Petitioner's monthly SNAP benefits allotment was not a transmitted issue in this case, because the April 16, 2025, adverse action notice contained separate actions as to both WFNJ/TANF benefits and SNAP benefits, the ALJ amended the pleadings of the present matter such that the Initial Decision would address both contested issues. See Initial Decision at 2, n.1.

Here, the ALJ found, and the record substantiates, that Petitioner has two children; one child resides with her biological father and the other child resides with their maternal grandmother pursuant to a Superior Court Order entered January 28, 2025. See Initial Decision at 3; see also Exhibit R-2. At the time of the hearing, Petitioner testified that she "shares" residential custody of the minor child with the maternal grandmother, and that Petitioner is responsible for providing home schooling. See Initial Decision at 3. Petitioner indicated that a court date is scheduled, in Superior Court, for December 8, 2025, regarding custody. See Initial Decision at 4.

The Agency in this matter relied solely upon the January 28, 2025, Superior Court Order and did not conduct an independent investigation as to where the minor child resides. See Initial Decision at 4. The ALJ found that Petitioner's testimony was contrary to the terms set forth in the Superior Court Order, which provides that the minor child shall reside with her maternal grandmother and be enrolled in the school district where the maternal grandmother resides. See Initial Decision at 6; see also Exhibit R-2. The ALJ further found that Petitioner did not provide any proofs establishing that the



minor child resides with her more than the majority of the time. See Initial Decision at 6. Consequently, because Petitioner does not have an eligible child in her household, the Agency terminated her WFNJ/TANF benefits. See Initial Decision at 2-7; see also Exhibit R-2, and N.J.A.C. 10:90-2.7(a). Based on the testimony and documentation submitted, the ALJ concluded that the Agency properly terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 7; see also Exhibit R-2, and N.J.A.C. 10:90-2.7(a). I agree.

With respect to the reduction in SNAP benefits, despite citing to regulatory authority that the determination of the exact SNAP household composition is required and necessary in order to calculate the proper monthly SNAP benefits allotment for the household size, the ALJ does not definitively conclude if the reduction of Petitioner's monthly SNAP benefits allotment, due to reduction in the household size, was proper or not. See Initial Decision at 7. Rather, the ALJ finds, without citing applicable regulatory authority, that the Agency did not provide Petitioner with uninterrupted SNAP benefits pending the outcome of the hearing, which is an issue that is separate and apart from the question of if the Agency's reduction of Petitioner's SNAP benefits allotment, due to the decrease in the household size, was proper. *Ibid.*

The record and facts as outlined above, relevant to the termination of Petitioner's WFNJ/TANF benefits, are equally relevant to the issue of whether or not Petitioner's SNAP benefits were properly reduced. As the record clearly establishes that Petitioner's household size was decreased from three persons to one person, I find that the reduction of Petitioner's SNAP benefits allotment was proper and must stand. See Exhibit R-1. The Initial Decision is modified to reflect this finding.

As to the issue of whether Petitioner should have been provided with continued SNAP benefits, pending a final decision of the fair hearing, in the amount she was receiving prior to the Agency's April 16, 2025, adverse action notice, the following regulatory authority is applicable in making such a determination. N.J.A.C. 10:87-8.7(a) states, "If a household requests a fair hearing within 15 days of the mailing of an adverse action notice and the certification period has not expired, participation shall be continued consistent with the benefit level authorized immediately prior to the notice of adverse action unless the household specifically waives continuation of benefits. If the request for a fair hearing does not positively indicate that the household has waived continuation of benefits, the [Agency] shall assume that continuation of benefits is desired and benefits shall be issued accordingly. If the [Agency] action is upheld by the hearing decision, a claim against the household shall be established for all overissuances (see N.J.A.C. 10:87- 11.20)." The transmittal in this matter reflects that a request for a fair hearing in this matter was not made until May 7, 2025, more than 15 days after the mailing of the adverse action notice. Furthermore, it seems that Petitioner did not request a fair hearing on the SNAP reduction at that time, but rather, as noted above, the ALJ in this case amended the pleadings to include the SNAP issue. As such, I find that Petitioner did not timely request a fair hearing on the SNAP reduction, and therefore was not eligible for continued SNAP benefits pending the outcome of the fair hearing, at the higher allotment amount she had been receiving for a household of three persons.

Moreover, it should be noted that, even had Petitioner been timely in making the fair hearing request, and thereby entitled to uninterrupted benefits at the higher amount, because this Final Agency Decision finds that the Agency's reduction of Petitioner's SNAP benefits allotment was proper, Petitioner would be responsible to repay any uninterrupted benefits she had received pending the outcome of the present fair hearing. See N.J.A.C. 10:87-8.7(a); see also N.J.A.C. 10:87-8.21(b) ("When the hearing decision upholds the [Agency's] action, a claim (when appropriate) shall be prepared against the household for any overissuance in accordance with N.J.A.C. 10:87-11.20."). Therefore, based on the foregoing applicable regulatory authority and the outcome of this matter, upholding the Agency's reduction of Petitioner's SNAP benefits allotment, I find the issue of any uninterrupted benefits pending the fair hearing, has now been rendered moot. The Initial Decision is further modified to reflect these findings and applicable legal basis.

By way of comment, Petitioner is advised that she may apply for WFNJ/General Assistance benefits, if appropriate. See N.J.A.C. 10:90-2.7(b).

By way of further comment, should Petitioner require further information regarding the varying amounts of SNAP benefits provided each month, she should directly contact the Agency.

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

Officially approved final version. December 17, 2025

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Natasha Johnson  
Assistant Commissioner

