



DEPARTMENT OF HUMAN SERVICES

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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 6829-15 D.S.

AGENCY DKT. NO. C050798 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency terminated Petitioner's benefits because it alleged that the absent father resides with Petitioner and he must be added to the assistance unit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 1, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 9, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

The record reveals that Petitioner applied to the Agency for WFNJ/TANF and SNAP benefits in January, 2015, which benefits were granted by the Agency. See Initial Decision at 2. Subsequently, the Agency formed a belief that E.S., the father of Petitioner's children, resides in Petitioner's home. *Ibid.* Accordingly, on March 2, 2015 and April 7, 2015, the Agency sent Requests for Contact letters to Petitioner asking her to verify her household composition because the Agency received information that E.S. lives in the home. *Ibid.*; see also Exhibit R-1 at 1-6. Thereafter, the Agency terminated Petitioner's WFNJ/TANF and SNAP benefits by adverse action notice dated April 17, 2015. See Initial Decision at 2; see also Exhibit R-1 at 7-17.

At the hearing, the ALJ found Petitioner credible when she testified that a child support hearing was brought by the current wife of E.S., in which hearing Petitioner did not participate, wherein E.S.'s wife alleged that E.S. resided with Petitioner. See Initial Decision at 2. Further, the ALJ believed Petitioner when she stated that E.S. did reside in her home until January 1, 2015, but at that time E.S. committed an act of domestic violence against her and a temporary restraining order was issued removing E.S. from the home. Ibid. Because E.S. did not return to the home thereafter, Petitioner applied to the Agency for WFNJ/TANF and SNAP benefits. Ibid.

Petitioner also testified that she responded to the Agency's March 3, 2015 Request for Contact by providing the Agency with a copy of her lease showing that E.S. is not a tenant. See Initial Decision at 2. When Petitioner received the Agency's second Request for Contact dated April 7, 2015, she again contacted the Agency and provided E.S.'s address. Ibid. At the hearing, Petitioner testified that E.S. lives alternately with his aunt and his current wife. Ibid. Finally, Petitioner testified that when the Agency advised that her benefits were terminated because E.S. still receives mail at her residence, Petitioner tried to have E.S.'s mail sent elsewhere but the post office refused because only E.S. himself can change his mailing address. See Initial Decision at 3.

Based on the facts and on Petitioner's testimony, the ALJ found that there is no credible proof that E.S. resides with Petitioner. See Initial Decision at 4. The ALJ opined that the Agency's termination of Petitioner's benefits is based on a statement made by the wife of E.S. in a court proceeding in which Petitioner did not participate. Ibid. Conversely, Petitioner provided sufficient proof to the Agency in the form of her lease and a current address for E.S. to prove that E.S. resides elsewhere. Ibid. Accordingly, the Agency did not present sufficient evidence to contradict Petitioner's credible testimony that E.S. does not live with her. Ibid. Therefore, the ALJ concluded, and I agree, that the Agency's termination of Petitioner's WFNJ/TANF and SNAP benefits was improper and should be reversed.

No exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record and the ALJ's Initial Decision and, having made an independent evaluation of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

By way of comment, the Agency is to refer Petitioner for a domestic violence assessment in accordance with the Family Violence Option Initiative, N.J.A.C. 10:90-20.5(b).

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

JUN 24 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director