



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 3718-15 M.L.

AGENCY DKT. NO. C021248 (CUMBERLAND COUNTY BD OF SOC SVCS)

Petitioner Agency ("Agency") charges Respondent with committing an Intentional Program Violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, and Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency asserts that Respondent failed to report a change in the household composition, specifically, Respondent claimed her two sons on her reapplication for benefits while her children were under the care of the Division of Child Protection and Permanency ("DCP&P"). Respondent appeared at the hearing with counsel and stipulated she received proper notice. Because Respondent failed to execute and return the waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On April 22, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held an administrative disqualification hearing, took testimony, and admitted documents into evidence.

On May 6, 2015, the ALJ issued his Initial Decision, which found that the Agency had not met its burden in establishing, by clear and convincing evidence, that Respondent had intentionally withheld information from the Agency. See Initial Decision at 4. The ALJ found the Agency's testimony, in connection with the supporting documents, was solely based upon hearsay and was not credible to support the Agency's burden that Respondent's children were removed from her custody when she reapplied for benefits. See Initial Decision at 3. As such, the ALJ concluded that the clear and convincing evidence did not support that Respondent had intentionally failed to report her reduction in her family's assistance unit in order to receive SNAP and WFNJ/TANF benefits to which she was not entitled. *Ibid.*

No exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following an independent evaluation of the record, I concur with the ALJ's findings that the Agency failed to meet its burden that Respondent improperly claimed her sons on her reapplication for SNAP and WFNJ/TANF benefits.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87- 1.1(a). The WFNJ Program is designed to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. N.J.S.A. 44:10-56. TANF is a component of WFNJ that provides assistance to adults with dependent children. N.J.A.C. 10:90-1.1.(b). In evaluating an individual's eligibility for WFNJ/TANF benefits, all countable income and resources of all persons in the assistance unit of which the applicant or recipient is a member, unless exempt, must be considered. N.J.A.C. 10:90-3.1(a), -3.9(a), -3.10(a), 3.19 and -3.20. Resources include bank accounts, cash, and contributions of support that are available to meet the needs of the individual. N.J.A.C. 10:90-3.10(b). Resources that are exempt from the financial eligibility determination are defined at N.J.A.C. 10:90-3.20.

As noted above, the record in this matter reveals that the Agency failed to establish Respondent did not have custody of her two sons when she reapplied for SNAP and WFNJ/TANF benefits on October 4, 2007. See Initial Decision at 4. The record further reveals that the only evidence Agency relied upon to establish the IPV allegation was one telephone conversation with an unnamed DCP&P worker; e-mails between a DCP&P worker and a deceased case worker; a printout from the Social Security data base; and, a printout from the Medicaid data base. *Id.* at 3. Yet, not one of these documents specifically established the children were not in Respondent's custody when she reapplied for benefits. *Ibid.* The Agency also failed to produce a Court Order effectuating the DCP&P placement or any DCP&P documents confirming the placement. *Id.* at 3-4. The evidence instead was all hearsay, and in light of Respondent's adamant claims from the date of the October 4, 2007 reapplication that her children were always in her custody, the Agency failed to satisfy its burden. *Id.* at 4.

Based upon the foregoing, I hereby ADOPT the Initial Decision in this matter and DISMISS the Agency's Petition.

MAY 20 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director