



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

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Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

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

REMAND DECISION

OAL DKT. NO. HPW 13018-15 M.M.

AGENCY DKT. NO. C253164 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits and Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"). The Agency terminated Petitioner's SNAP and WFNJ/TANF benefits as it contended that Petitioner's countable income exceeded the maximum permissible income level for receipt of benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 17, 2015, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 25, 2015, the ALJ issued her Initial Decision, reversing the Agency's determination.

No Exceptions to this Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I ADOPT the ALJ's decision as to Petitioner's SNAP benefits and REJECT the ALJ's decision on WFNJ/TANF cash assistance, and I REMAND the matter to the Agency as outlined below.

At the hearing, the Agency acknowledged the notice to terminate letter sent to Petitioner was clearly wrong, as it incorrectly stated his household income of \$2,747.00 was more than the maximum allowable amount of \$3,051.00. See Initial Decision at 2; see also Exhibit P-1. Therefore, I agree with the ALJ that the Agency

Page 2

erred in the termination of Petitioner's SNAP benefits, and as a result, his SNAP benefits should be reinstated. See Initial Decision at 3.

However, I disagree that Petitioner's WFNJ/TANF benefits should be reinstated. Based on the record, it is unclear whether Petitioner is eligible for continued WFNJ/TANF benefits based on his current income level. It is also unclear whether or not income disregards were applied to Petitioner's case. See N.J.A.C. 10:90-3.8. The record simply does not contain enough information to make either of these determinations. Therefore, I reject the ALJ's reinstatement of Petitioner's WFNJ/TANF benefits and instead, remand the matter back to the Agency to determine the aforementioned issues related to Petitioner's WFNJ/TANF eligibility.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

Accordingly, the Initial Decision in this matter is hereby ADOPTED in part and REJECTED in part, the Agency's determination is REVERSED and the matter is REMANDED to the Agency for complete evaluation of Petitioner's WFNJ/TANF eligibility.

Signed Copy on File

OCT 27 2015

at DFD, BARA

Natasha Johnson
Director