



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 15594-15 R.J.

AGENCY DKT. NO. C320159 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's termination of his 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 WFNJ/TANF and SNAP benefits because Petitioner's income exceeded the maximum allowable. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 25, 2015, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On the same day, the ALJ issued an Initial Decision reversing the Agency's determination. The ALJ determined that Petitioner was not provided either adverse action notice for the termination of his WFNJ/TANF or SNAP benefits within 10 calendar days. See Initial Decision at 2; see also N.J.A.C. 10:90-9.1(b) and N.J.A.C. 10:87-9.5(j). The ALJ also noted a clerical mistake was made on Petitioner's WFNJ/TANF adverse action, which incorrectly identified the effective date as February 6, 2015. Therefore, the ALJ concluded that adequate notice was not provided to Petitioner regarding the termination of his WFNJ/TANF and SNAP benefits.

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 record in this matter and the ALJ's Initial Decision and having made an independent evaluation of the record, I hereby ADOPT the

Initial Decision in part with regard to Petitioner's WFNJ/TANF benefits, and REJECT the Initial Decision in part with regard to Petitioner's SNAP benefits. The Agency's determination is REVERSED in part as to the WFNJ/TANF termination and AFFIRMED in part as to the SNAP termination as discussed below.

Due to the clerical error, I agree with the ALJ's conclusion regarding Petitioner's WFNJ/TANF benefits. However, I disagree with the ALJ's conclusion that Petitioner was not provided timely notice of the termination of his SNAP benefits. See Initial Decision at 4. The ALJ incorrectly asserts that Petitioner was not provided timely notice. *Ibid.* A review of the relevant SNAP regulation regarding the notice requirement clearly states that the notice must be mailed 10 days prior to the action, not received 10 days prior to the action. See N.J.A.C. 10:87-9.5(j)(1). Petitioner's SNAP adverse action notice was mailed on August 20, 2015, more than 10 days prior to the date the action became effective on September 1, 2015. See Exhibit P-1 at 3. Therefore, I disagree with the ALJ's determination that Petitioner was not provided adequate notice of the termination of his SNAP benefits.

Accordingly, the Initial Decision in this matter is ADOPTED in part, and REJECTED in part, and the Agency action is REVERSED in part, and AFFIRMED in part as outlined above.

DEC 18 2015

Signed Copy on File

at DFD, BARA

Natasha Johnson

Director