



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 6229-15 T.S.

AGENCY DKT. NO. GA213302 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of his application for Work First New Jersey/General Assistance ("WFNJ/GA") and termination of his Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency denied Petitioner benefits because of his alleged failure to cooperate and to recertify. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 5, 2015, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 8, 2015, the ALJ issued her Initial Decision reversing the Agency determination.

At the hearing, the ALJ found that Petitioner applied to the Agency for WFNJ/GA and for a recertification of his SNAP benefits in September 2014. See Initial Decision at 2. The ALJ further found that Petitioner completed his 28-day job search requirement on October 7, 2014. *Ibid.* In fact, Petitioner provided proof of same in the form of a letter from Newark One-Stop Career Center dated October 7, 2014. *Ibid.*; see also Exhibit R-1.

The ALJ also found that the Agency never sent Petitioner an adverse action notice, nor did it issue Petitioner benefits, despite Petitioner's personal follow-up visits to the Agency on eight separate occasions from October 8, 2014 through June 2, 2015. See Initial Decision at 2. Finally, the Agency representative knew of no reason why benefits were not issued to Petitioner. See Initial Decision at 3.

The ALJ noted that Agency staff is required to accept, process, and recommend action for public assistance within 30 days. Ibid.; see also N.J.A.C. 10:90-1.5. Based on the facts herein, the ALJ concluded, and I agree, that the Agency's failure to issue WFNJ/GA and SNAP benefits to Petitioner should be reversed. See Initial Decision at 3. Accordingly, the ALJ ordered the Agency to issue those benefits to Petitioner retroactive to October 7, 2014. Ibid. However, I hereby modify the ALJ's Initial Decision to reflect that, although WFNJ/GA benefits should be paid retroactive to October 7, 2014, the date Petitioner completed his 28-day work requirement, SNAP benefits must be issued retroactive to the date of Petitioner's SNAP application submitted in early September, 2014. See N.J.A.C. 10:87-6.2(c).

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 hereby MODIFY the ALJ's decision as set forth above and REVERSE the Agency's determination.

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

JUN 22 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director