



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 09669-18 C.R.

AGENCY DKT. NO. C714736007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner challenges the correctness of Respondent Agency's calculation of her Supplemental Nutrition Assistance Program ("SNAP") benefits amount. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A hearing was initially scheduled for August 7, 2018, but was adjourned. On August 17, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence. On August 23, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination regarding a denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, which was not a transmitted issue.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby REJECT the ALJ's Initial Decision, AFFIRM the Agency's determination regarding the denial of WFNJ/TANF benefits to Petitioner, and REMAND the issue to the Agency based on the discussion below. Additionally, I have reviewed the ALJ's Initial Decision, and having made an independent evaluation of the record with respect to the transmitted issue of a correctness of SNAP benefits, I hereby REJECT the Initial Decision and REMAND the issue to the OAL for further fact finding.

It is anticipated that the Agency will accept, process, and recommend action on applications for WFNJ cash benefits within 30 days. See N.J.A.C. 10:90-1.5(a). As a condition of eligibility for WFNJ benefits, the applicant shall, subject to good cause exceptions, be required to provide all necessary documentation. See N.J.A.C. 10:90-2.2(a)(5). Additionally, all applicants and recipients are in all instances the primary source of information about themselves and their families. See N.J.A.C. 10:90-1.6.

It appears from the record that the Agency denied Petitioner's application for WFNJ/TANF benefits because she failed to provide the documentation required to determine her WFNJ/TANF benefits eligibility. See Initial Decision at 2. Although Petitioner claims that she provided all documentation to



the Agency, the record is devoid of any such evidentiary documentation. Ibid. However, the transmittal in this matter reflects that the Agency held Petitioner's WFNJ/TANF benefits application open past the 30-days required for processing said application in order to allow Petitioner the opportunity to provide the requested documentation, yet no such documentation was forthcoming. Nevertheless, the ALJ found that the Agency delayed processing Petitioner's WFNJ/TANF benefits application, and found that because Petitioner is purportedly indigent, that Petitioner is eligible for WFNJ/TANF benefits. Id. at 3-4. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner was improper and must be reversed. Id. at 4. I respectfully disagree. Rather, I find that it is unclear from the scant record whether or not Petitioner had provided the Agency with the required documents, or whether the Agency had delayed the processing of Petitioner's WFNJ/TANF benefits application. Therefore, I remand the matter to the Agency to reevaluate Petitioner's eligibility for WFNJ/TANF benefits, and direct Petitioner to provide the required documentation to the Agency within 15 days from the date of the issuance of this Final Agency Decision. See N.J.A.C. 10:90-1.5(a), and -2.2(a)(5).

Further, although the only issue transmitted for a fair hearing is Petitioner's challenge of the correctness of the Agency's calculation of her SNAP benefits amount, that issue was not addressed by the ALJ in the Initial Decision, and as such, I am unable to render a Final Agency Decision on the record provided. Therefore, I am remanding that issue to the OAL for further fact finding.

By way of comment, I note that any issues pertaining to Medicaid benefits are not under the jurisdiction of this Division.

Accordingly, the Initial Decision is hereby REJECTED regarding the Agency's denial of WFNJ/TANF benefits to Petitioner, the Agency's action is AFFIRMED, and the issue is REMANDED to the Agency based on the discussion above. Additionally, with respect to the issue of the correctness of Petitioner's SNAP benefits, the Initial Decision is REJECTED and that issue is REMANDED to the OAL for rehearing, on an expedited basis.

Officially approved final version.

SEP 18 2018

Natasha Johnson
Director

