



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 3021-15 L.R.

AGENCY DKT. NO. C021303 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from Respondent Agency's imposition of a penalty on Petitioner's Supplemental Nutritional Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency imposed a penalty because Petitioner failed to comply with his SNAP Employment and Training Program ("SNAP ETP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was first scheduled for a hearing on April 21, 2015, which was adjourned in order to explore resolution of the matter. The matter was rescheduled for April 28, 2015, which was also adjourned so as to permit Petitioner to provide certain documentation necessary to lift the penalty. On May 7, 2015, the Honorable Joan Bedrin Murray, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 28, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

Pursuant to N.J.A.C. 10:87-10.16(a), if the Agency determines that an individual has failed to comply with his SNAP ETP work requirement, the individual is rendered ineligible to participate in the SNAP program, and is treated as an ineligible household member in accordance with N.J.A.C. 10:87-7.7. A first violation "results in a disqualification of either one month or until the individual complies with the work registration of NJ SNAP ETP requirement, which he or she failed to perform, whichever is later." N.J.A.C. 10:87-10.16(a)(1).

N.J.A.C. 10:87-7.7(b)(3)(iii), states that when determining the SNAP benefit level for the remaining household members, the ineligible household member shall be excluded when determining the household's size.

Here, Petitioner's SNAP household consists of two adults and four children. See Initial Decision at 2. The record shows that Petitioner was notified by the Agency on January 12, 2015, that he was not in compliance with his SNAP ETP work requirement of submitting required job search logs. See *id.* at 3. When Petitioner failed to submit the required documentation, the Agency imposed a penalty on Petitioner's SNAP benefits, pursuant to N.J.A.C. 10:87-10.16(a), thereby causing a reduction in the household's SNAP benefits. *Ibid.* Petitioner subsequently provided a letter indicating that he had become employed in April 2015, but did not provide the necessary job search documentation for February and March 2015. See *id.* at 3-4. Based upon the letter showing Petitioner had become employed, the Agency agreed to lift the penalty effective April 1, 2015. See *id.* at 4. Based upon the foregoing, the ALJ concluded that Petitioner was properly penalized for his non-compliance pursuant to N.J.A.C. 10:87-10.16(a)(1), and, consequently, his household's SNAP benefits were properly reduced for the months of February and March 2015, in accordance with N.J.A.C. 10:87-7.7, as he was not considered an eligible member of his household. *Ibid.* I concur with this determination.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's action is AFFIRMED.

JUN 12 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director