



*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

FINAL DECISION

OAL DKT. NO. HPW 3878-15 P.H.

AGENCY DKT. NO. GA578253 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Agency's termination of Petitioner's Work First New Jersey/General Assistance ("WFNJ/GA"), Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, and Medicaid benefits because Petitioner failed to provide sufficient proof that he is an eligible alien. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 20, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and reviewed documents submitted by the Agency. The Petitioner provided no documentation at the hearing.

On April 28, 2015, the ALJ issued his Initial Decision, affirming the Agency's action. The ALJ noted that Petitioner's mother brought Petitioner to the United States from the Bahamas in 1961 when Petitioner was a toddler. See Initial Decision at 2. In 1975, Petitioner was arrested for robbery, was convicted, and served 18 months in jail. Ibid. Petitioner admitted that approximately seven or eight years ago, a Federal Judge entered an order stating that Petitioner was to be deported. Ibid. Petitioner did not provide a copy of that order or decision at the hearing. Ibid. However, the Agency contacted Immigration Services and was informed that Petitioner is under immigration supervision. Ibid. Petitioner provided no proof that he is a legal alien or a naturalized citizen. Ibid. Petitioner testified that he never pursued green card status because he always felt he was a U.S. citizen since he has been here for so many years. Ibid.

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The ALJ concluded that Petitioner's WFNJ/GA benefits were properly terminated because Petitioner did not provide proof required to meet the criteria found in the WFNJ/GA regulations concerning aliens. See Initial Decision at 7; see also N.J.A.C. 10:90-2.10(a) (only U.S. citizens or eligible aliens qualify for WFNJ/GA benefits, but aliens permanently residing in the U.S. under color of law as of August 21, 1996 are considered eligible for WFNJ/GA benefits). The ALJ further concluded that the Agency correctly terminated Petitioner's SNAP benefits because Petitioner is ineligible for same under those regulations. See Initial Decision at 7; see also N.J.A.C. 10:87-3.9 (aliens are not eligible to participate in the NJ SNAP program if they came to the United States prior to January 1, 1972 and have remained in the U.S. under "color of law").

Finally, the ALJ noted that while Petitioner might have a "color of law" argument claiming he began permanent residency in the U.S. prior to January 1, 1972 (SNAP) and prior to August 21, 1996 (WFNJ/GA), this argument was not perfected or solidified at the hearing because Petitioner did not supply the Federal Court Order deporting Petitioner. See Initial Decision at 7. Based on the foregoing, the ALJ affirmed the Agency's termination of benefits to Petitioner and dismissed the Petitioner's appeal. See Initial Decision at 8. Nevertheless, the ALJ noted, should Petitioner obtain more convincing proofs, he may re-apply for assistance to the Agency and present those proofs for consideration. Ibid.

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 concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

By way of comment, the record indicates that Petitioner also requested a fair hearing contesting the denial of Medicaid benefits. It should be noted, however, that the Medicaid program is not under the jurisdiction of this Division. However, a copy of the Initial and Final Decision will be forwarded to the Division of Medical Assistance and Health Services ("DMAHS") for review and resolution.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, the Agency's determination is AFFIRMED.

*Signed Copy on File*  
at DFD, BARA

MAY 15 2015

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Natasha Johnson  
Director