



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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

REMAND DECISION

OAL DKT. NO. HPW 96-15 R.J.

AGENCY DKT. NO. C155265 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's imposition of a sanction affecting Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), Emergency Assistance ("EA"), and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 13, 2015, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 23, 2015, the ALJ issued an Initial Decision which affirmed the Agency determination.

No exceptions to the Initial Decision were received.

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 MODIFY the Initial Decision, AFFIRM the Agency determination in part, as to WFNJ/TANF and EA benefits, and REVERSE in part, as to SNAP benefits and REMAND to the Agency for reevaluation solely of SNAP benefits.

WFNJ applicants and recipients must cooperate with WFNJ work requirements as a condition of eligibility. N.J.A.C. 10:90-2.2(a)(2). "Any applicant who fails at any time to cooperate with any of the WFNJ work activities without good cause shall lose cash assistance benefits in accordance with the sanctions provisions at N.J.A.C. 10:90-4.13." N.J.A.C. 10:90-2.2(d). Likewise, an individual who has refused or failed to comply with WFNJ work requirements, without good cause, is treated as an ineligible household member of the SNAP assistance unit in accordance with N.J.A.C. 10:87-7.7. See N.J.A.C. 10:87-10.16(a).

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In the case of a WFNJ assistance unit with one adult, the imposition of a sanction means that the Agency will reduce the cash assistance benefit by the pro-rata share of the non-compliant adult for one month. N.J.A.C. 10:90-4.13(b). If the adult fails to cooperate with the WFNJ program or participate in WFNJ work activities by the end of the one-month pro-rata sanction, without good cause, the Agency will suspend the cash assistance benefit for one month. N.J.A.C. 10:90-4.13(b)(1). If the adult fails to cooperate with the WFNJ program or participate in WFNJ work activities by the end of the suspension month, the Agency will close the cash assistance case for a minimum period of one month, and the assistance unit shall be required to reapply in order to receive further cash assistance benefits. N.J.A.C. 10:90-4.13(b)(2).

If the WFNJ cash assistance case is closed due to a sanction, and the recipient is receiving EA benefits, the EA benefits will continue through the one-month closure sanction, if eligible. In order to receive EA benefits during any sanction period, the recipient must continue to be eligible for EA benefits. If the individual reapplies for cash assistance benefits, demonstrates compliance, and remains eligible for EA benefits, the EA benefits shall be reinstated if the emergency still exists. N.J.A.C. 10:90-4.13(e).

Based upon the record presented, I agree with the ALJ's finding that Petitioner was absent from four days of WFNJ work activities in October 2014, without good cause. Initial Decision at 4; Exhibit R-3. As such, I agree that the Agency appropriately imposed a sanction, and Petitioner's continued non-compliance ultimately resulted in the closure of Petitioner's WFNJ/TANF case. Further, it appears that Petitioner's EA and SNAP benefits were terminated, in accordance with the above-referenced authority, after Petitioner failed to come into compliance with WFNJ requirements.

The ALJ in this matter did not address the termination of Petitioner's EA and SNAP benefits, which were also transmitted contested issues, and accordingly, I hereby modify the ALJ's Initial Decision to address same.

Based upon the discussion above, I find that the closure of Petitioner's WFNJ case, due to non-compliance with the work requirement, appropriately resulted in the termination of Petitioner's EA benefits, and I affirm the Agency's determination as to those benefits.

In regards to Petitioner's SNAP benefits, however, I hereby reverse the Agency's termination of those benefits and remand the matter back to the Agency for reevaluation. As stated in the regulation cited above, a sanction for failure to comply with WFNJ work requirements, without good cause, will render that particular household member ineligible for SNAP benefits. See N.J.A.C. 10:87-10.16(a). N.J.A.C. 10:87-7.7(b) then outlines how SNAP benefits, including continued eligibility, are then determined for the remaining household members. There is no indication in the record that the remaining household's continued eligibility and benefits amount was considered in this matter. Moreover, I note that regulatory authority applicable to

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SNAP benefits provides an exemption of the work registration for one parent households who have responsibility for the care of a dependent child under the age of six. See N.J.A.C. 10:87-10.2(b)(2)(i). As the record is devoid of information pertaining to the precise composition of Petitioner's household, it is unclear how the SNAP benefits of the remaining members of the household may be affected by Petitioner's sanction for non-compliance, or if Petitioner is exempt from the work registration for SNAP benefits alone and the household's SNAP benefits would remain unchanged. As such, I hereby reverse the Agency's termination of Petitioner's SNAP benefits, and remand the SNAP benefits issue to the Agency for reevaluation and clarification.

Petitioner may reapply for WFNJ/TANF and EA benefits subject to applicable eligibility criteria.

Accordingly, the Initial Decision is MODIFIED and the Agency determination is AFFIRMED in part, REVERSED in part and REMANDED to the Agency as outlined above.

Signed Copy on File
at DFD, BARA

MAY 21 2015

Natasha Johnson
Director