



State of New Jersey

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Assistant Commissioner

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 12373-24 M.B.

AGENCY DKT. NO. S509761012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her request for retroactive Supplemental Nutritional Assistance Program ("SNAP") benefits for the period of time after she was terminated from SNAP, for her failure to timely submit a recertification application, until the date when she began receiving SNAP following submission of a new SNAP application. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 3, 2024, the Honorable Gauri Shirali Shah, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 17, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reveals that Petitioner, a developmentally disabled individual, requires assistance to perform her daily living activities, and that her brother, G.B., has been handling her paperwork since 2001. See Initial Decision at 2-3. As part of G.B.'s paperwork responsibilities, he has routinely completed Petitioner's SNAP recertification applications. See Initial Decision at 3. The record establishes that, on March 1, 2024, the Agency mailed a recertification application to Petitioner. *Ibid*; see also Exhibit R-2. A Notice of Expiration ("NOE") was also included with the recertification application, which further advised that Petitioner's SNAP benefits would terminate at the end of April 2024, if the recertification application was not received before the end of the SNAP certification period. *Ibid*; see also Exhibit R-1. On May 1, 2024, the Agency terminated Petitioner's SNAP benefits due to her failure to return the recertification application within the required time period. *Ibid*. The Agency did not forward any further communication to Petitioner. *Ibid*. Since Petitioner does not grocery shop for herself, but rather, G.B. leaves the SNAP benefits card at her home for her home-health aides to utilize, it was not until August 1, 2024, that G.B. learned that Petitioner's SNAP benefits had been terminated. See Initial Decision at 2-3. At the hearing, G.B. presented an incomplete, signed SNAP recertification application, that did not include the additional signature, as well as the verification. See Initial Decision at 3; Exhibit P-1. However, the Agency did not receive the SNAP recertification application prior to April 30, 2024, and as such, the system automatically terminated Petitioner's SNAP benefits on May 1, 2024. See Initial Decision at 3. Since the case was closed on that date, no further correspondence was sent to Petitioner from the Agency. *Ibid*. Thereafter, G.B. submitted a new SNAP application on behalf of the Petitioner on September 1, 2024, and since that time, Petitioner has been receiving SNAP benefits. *Ibid*.

Pursuant to the SNAP recertification regulations, no household is permitted to continued participation in SNAP beyond the date of their current certification period, without a determination of eligibility for the new certification period. See Initial Decision at 4; see also N.J.A.C. 10:87-9.1(a). Moreover, the burden is on the household to apply for recertification and comply with all interview and verification requirements. *Ibid*. The Agency is also required to send a NOE specifically instructing the household when the certification period expires, and by which date the recertification application must be



received. Ibid.; see also N.J.A.C. 10:87-9.1(b)-(d). Furthermore, a SNAP application is deemed filed on the date that the NJ SNAP office receives it. See Initial Decision at 4; N.J.A.C. 10:87-2.26(a).

In this matter, the ALJ found that the Agency had mailed a recertification application and NOE to Petitioner on March 1, 2024. See Initial Decision at 4; see also Exhibit R-1. The record reflects that, in the paperwork sent to Petitioner, the Agency had advised Petitioner that her SNAP benefits would expire at the end of April 2024. Ibid. Even though G.B., claimed that he completed the recertification application, the Agency never received it. Ibid. Since the Agency did not receive the recertification application prior to the end of Petitioner's certification period, the ALJ found that the Agency had properly closed Petitioner's SNAP benefits case, thereby rendering her ineligible for SNAP benefits from May 2024, through August 2024, when the new completed application was received. Ibid. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. November 27, 2024

Natasha Johnson
Assistant Commissioner

