



## State of New Jersey

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*Governor*

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

NATASHA JOHNSON  
*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 13452-23 N.G.

AGENCY DKT. NO. C064717006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, as it contended that Petitioner failed to timely provide documentation necessary to process her application for SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 24, 2024, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On January 29, 2024, the ALJ issued an Initial Decision, reversing the Agency's denial of SNAP benefits.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the record reflects that on September 8, 2023, Petitioner applied for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at 9. In order to continue processing Petitioner's application, on that same date, the Agency requested the Petitioner provide, no later than September 25, 2023, a copy of a "Self-Employment Statement/Bookkeeping Record/Tax Statement," and copies of "paystubs and 1099 for cleaning rental jobs." See Initial Decision at 2; see also Exhibit R-1 at 8. Petitioner did not provide the requested items by September 25, 2023; accordingly, by notice dated October 10, 2023, the Agency denied Petitioner's application for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:87-2.14. The notice to Petitioner denying her application for SNAP benefits also advised Petitioner that if she were to provide the Agency with the documents requested on September 8, 2023, within 30 days of the October 10, 2023, denial notice, her case would be reopened without requiring a new SNAP application. *Ibid.*; see also N.J.A.C. 10:87-2.27(e)(1)(ii).

On October 31, 2023, Petitioner provided the Agency with a copy of her 1099 Form. See Initial Decision at 3; see also Exhibit R-1 at 13. Thereafter, the Agency determined that the 1099 Form "was not the document [it] needed, and that [the Agency] needed Petitioner's Schedule C Form from her most recent tax return." See Initial Decision at 3; see also Exhibit R-1 at 11. Petitioner's September 8, 2023, SNAP application remained in denial status. *Ibid.*

On November 6, 2023, when Petitioner contacted the Agency to check the status of her SNAP application, the Agency advised Petitioner that she needed to provide a copy of her Schedule C Form. See Initial Decision at 3; see also Exhibit R-2. The next day, Petitioner attempted to deliver the requested Schedule C Form, but the Agency was closed, as the



Agency's offices were closed due to the Election Day holiday. See Initial Decision at 3. The next day, November 8, 2023, Petitioner delivered a copy of her Schedule C Form to the Agency. Ibid. Thereafter, the Agency determined that Petitioner's case would remain closed because the Schedule C was not received within 60 days following the date the application was filed, or by November 7, 2023. Id. at 4.

The ALJ found that Petitioner had, in fact, timely provided the requested Schedule C Form, because 30 days from October 10, 2023, was November 9, 2023, and that the Agency did not dispute receiving both the Schedule C Form and the 1099 Form by November 8, 2023. Ibid. The ALJ further found that because Petitioner provided proof of her self-employment income within the required time frame, the Agency must reopen her September 8, 2023, SNAP application for processing. Id. at 5. The ALJ also noted that Petitioner, in response to the Agency's request for a copy of her "1099 for cleaning job," as requested, did, in fact, provide a copy of her 1099 Form, on October 31, 2023. Id. at 4; see also Exhibit R-1 at 2, 12-13. Accordingly, the ALJ reversed the Agency's denial of SNAP benefits to Petitioner, and ordered that Petitioner's SNAP benefits are to be pro-rated from the date the requested information was provided, as Petitioner did not provide the requested information until October 31, 2023, more than 30 days after Petitioner initially applied for SNAP benefits. Ibid.; see also Exhibit R-1 at 9, 12, 13, and N.J.A.C. 10:87-2.27(g)(1)(ii).

While I agree with the ALJ, that Petitioner did timely provide the requested documents, and that the Agency should not have denied Petitioner's September 8, 2023, application for SNAP benefits, Petitioner cannot receive SNAP benefits, except upon a determination of eligibility for same. See N.J.A.C. 10:87-6.2. Accordingly, I am remanding this matter back to the Agency. The Agency shall expedite the substantive evaluation of Petitioner's application for SNAP benefits. Based on that evaluation, if Petitioner is determined to be eligible for SNAP benefits, Petitioner is to then be provided with retroactive SNAP benefits to October 31, 2023, the date Petitioner provided the requested information. See N.J.A.C. 10:87-8.18. Should the substantive evaluation result in another denial of SNAP benefits, Petitioner may request another fair hearing on that substantive denial. The Initial Decision is modified to reflect these findings.

Accordingly, the Initial Decision in this matter is MODIFIED, the Agency's determination is hereby REVERSED, and the matter is REMANDED back to Agency, as discussed above.

Officially approved final version. March 21, 2024

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Natasha Johnson  
Assistant Commissioner

