



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 13503-23 R.E.

AGENCY DKT. NO. **S616385012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutritional Assistance Program ("SNAP") benefits. Petitioner's SNAP benefits application was denied due to Petitioner's failure to provide information and documentation necessary to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 14, 2024, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On February 27, 2024, the ALJ issued an Initial Decision, affirming in part, reversing in part, the Agency's denial and remanding the matter back to the Agency.

Exceptions to the Initial Decision were received from the Agency on March 1, 2024.

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, and AFFIRM the Agency's determination, based on the discussion below.

Regulatory authority applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3.

In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income, as well as liquid resources. See N.J.A.C. 10:87-2.19, -2.20. Without said verification of required information, SNAP eligibility cannot be determined or granted. *Ibid.*

Based upon an independent review of the record in this case, I find that, while the ALJ in this matter issued a thorough Initial Decision, there seems to be an intervening fact that may have been omitted by the ALJ in the analysis, namely Petitioner's subsequent December 12, 2023, application for benefits, which must be included in this decision, and as such, a review of the salient facts is in order. Petitioner originally applied for SNAP benefits on September 19, 2023. See Exhibit R-1 at 2-14. Thereafter, on September 23, 2023, the Agency sent Petitioner a Request for Verification, seeking, amongst other things, the last three months from Uber, along with car expenses, or termination of income. See Exhibit R-2; see also N.J.A.C. 10:87-2.22(c)(3). The record reflects that while some of the requested verifications were submitted, no proof of income, or termination, from Uber, or verification of how expenses were being met, were submitted. See Exhibits R-3 through R-5. As a result, on October 19, 2023, a systems generated denial notice was issued. See Exhibit R-9. While I agree that the systems generated notice does not delineate what action Petitioner would need to take within the next 30-days in order to reactivate the application, and that if such requested action was not taken within the next 30-days, a new application would need to be filed, the record does indicate that on October 30, 2023, Petitioner nonetheless



did contact the Agency via email and submitted various documents to the Agency. See Exhibit R-6; see also N.J.A.C. 10:87-2.27(e)(1). While the Agency did not act on these submitted documents during the second 30-day period after the September 19, 2023, application, the Agency did, in fact, respond on December 6, 2023, advising Petitioner that it would not reopen his earlier application, as the requested Uber income and/or termination verification had still not been provided. See Exhibit R-10. I find that the Agency's review of the documentation, submitted on October 30, 2023, but not acted upon until December 6, 2023, is in line with the intent of regulatory authority, such that upon the review of the submitted October 30, 2023, documentation, eligibility still could not be determined. See N.J.A.C. 10:87-2.27(g)(2) and -2.19(b).

The record then shows that Petitioner then again applied for SNAP benefits on December 12, 2023. See Exhibit R-1 at 1; see also Initial Decision at 3. I take official notice of the fact that the records of this Agency show, that following that subsequent application for benefits, and in response to a December 21, 2023, Request for Verification, Petitioner then, in January, 2024, submitted proof that Petitioner and Petitioner's husband had terminated driving for Uber and were then approved for SNAP benefits, with a certification period beginning December 12, 2023, the date of the subsequent benefits application, and said household currently is receiving SNAP benefits. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4).

Taking all of the foregoing facts into consideration, despite the regulatory deficient October 19, 2023, systems generated denial notice, it is clear that Petitioner continued to be in contact with the Agency, and submitted documentation on October 30, 2023. While the Agency's review of said documentation did not occur during the second 30-day regulatory period, the Agency did act on that submission and render a determination as to the insufficiency of that documentation for eligibility on December 6, 2023. It is also clear that the required verification documentation was not provided until January, 2024, following a new, subsequent application for SNAP benefits on December 12, 2023, with an eligibility determination and awarding of said benefits made thereafter, retroactive to the date of that subsequent December 12, 2023, application. As such, I find that the Agency's denial of Petitioner's September 19, 2023, application was proper and must stand. The Initial Decision is modified to reflect the above findings.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determinations are AFFIRMED, as outlined above.

Officially approved final version. April 25, 2024

Natasha Johnson
Assistant Commissioner

