



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 06002-19 H.F.

AGENCY DKT. NO. C223754007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's termination of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits due to Petitioner's failure to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 20, 2019, but was adjourned at the request of Petitioner, due to a scheduled appearance in another court. On the rescheduled date of June 5, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. At the conclusion of the June 5, 2019, hearing, the matter was continued to June 19, 2019, and the record left open so that Petitioner could retain counsel and bring additional documents on the continued hearing date. On June 19, 2019, neither Petitioner, nor counsel appeared, and the record closed.

On August 27, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. The record reflects that on January 4, 2019, in order to determine Petitioner's eligibility for SNAP benefits, the Agency requested that she provide, among other items, copies of tax returns, utility bills, and information regarding her student loans. See Initial Decision at 2; see also Exhibit R-1 at 3. In response to the Agency's request, the ALJ found that Petitioner had provided ineligible bank records that contained account numbers that were whited out, and unable to read. See Initial Decision at 3. As such, the ALJ determined that the Agency was unable to determine how much in available assets Petitioner had at the time of her application, as Petitioner had only partially complied with the Agency's request for documents. *Ibid.*; see also N.J.A.C. 10:87-2.14, -4.2, -4.3. The ALJ further found that Petitioner had abandoned her appeal when neither she, nor counsel on her behalf, appeared on the June 19, 2019, continued hearing date. See Initial Decision at 3; see also N.J.A.C. 10:87-8.6(a)(7)(iii). Based on the record presented, the ALJ concluded that Petitioner had failed to provide the requested documentation necessary to determine Petitioner's SNAP benefits eligibility, and therefore, affirmed the Agency's termination of Petitioner's SNAP benefits. See Initial Decision at 4; see also N.J.A.C 10:87-2.15, -2.20. I agree.

No Exceptions to the Initial Decision were filed.



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 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, in accordance with applicable regulatory authority, in cases involving SNAP benefits, a fair hearing, Initial Decision, and Final Decision are all to be completed within 60 days from the receipt of an individual's request for a fair hearing. See 7 C.F.R. § 273.15(c)(1). With this time frame in mind, it should also be noted that Initial Decisions in SNAP cases are to be issued within 14 days from the date of the hearing before the ALJ. See N.J.A.C. 1:10-18.1(b).

By way of further comment, Petitioner is without prejudice to reapply for SNAP benefits, but will need to timely provide all requested documentation.

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

Officially approved final version.

SEP 16 2019

Natasha Johnson
Director

