



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 12583-19 M.K.

AGENCY DKT. NO. C070570006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals the Respondent Agency's case closure and termination of Supplemental Nutrition Assistance Program ("SNAP") benefits on recertification. The Agency closed Petitioner's SNAP benefits case, thereby terminating Petitioner's SNAP benefits on recertification, due to her alleged failure to return the Recertification application to the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A plenary hearing was originally scheduled for September 25, 2019, but Petitioner failed to appear. Thereafter, on September 26, 2019, Petitioner contacted OAL and requested that the matter be reinstated and rescheduled, due to her inability to attend the previously scheduled hearing. On October 2, 2019, the Honorable Kathleen M. Calemmo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 8, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

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 hereby ADOPT the ALJ's Initial Decision and REVERSE the Agency determination.

Based on an independent review of the record, it is clear that Petitioner's prior certification period for SNAP benefits was ending effective June 30, 2019. See Exhibit R-1 at 10, 13. It is also clear that Petitioner completed the required telephone interview with the Agency on May 15, 2019, and thereafter, was sent a Recertification application by the Agency, to sign and return. See Exhibit R-1 at 12. Petitioner was also sent a "Request for Verification" on May 15, 2019, indicating that Petitioner needed to provide a "[l]etter from [M.] stating you reside with her," which was to be submitted by May 28, 2019. *Id.* at 9. Petitioner did not submit the requested letter, or return the signed Recertification application, prior to the expiration of her certification period on June 30, 2019. See Initial Decision at 3-4.

Petitioner testified that she receives her mail at the address on file with the Agency, and was not aware of any issues with her mail delivery. *Id.* at 3. It was only after becoming aware that she had not received



SNAP benefits for July, 2019, that she made several inquiries to the Agency, and, on or about July 12, 2019, was informed that the Agency still required the requested letter from Petitioner's step-mother confirming that she was residing with her. Ibid. Thereafter, on July 22, 2019, Petitioner provided the letter, together with a utility bill, and was advised that the Agency had everything it needed. Ibid. When no SNAP benefits were issued for August, 2019, Petitioner went to the Agency again, then being told that she would need to reapply for benefits, as she had not signed the Recertification application before the end of her prior certification period. Ibid. On August 13, 2019, the Agency issued a partial month of SNAP benefits to Petitioner for August, with full monthly SNAP benefits to commence in September, 2019. Id. at 4; see also Exhibit R-1 at 2.

The ALJ in this matter found there was no proof that Petitioner has refused to cooperate in the recertification process. See Initial Decision at 5. Moreover, it was Petitioner herself who made inquiry to the Agency as to the reason for her lack of issued benefits in July, 2019. Ibid. The ALJ further found that the Agency provided no proof that it had sent Petitioner the requisite Notice of Expiration ("NOE"), which would have clearly advised Petitioner of the forthcoming closure of her SNAP case, prior to the end of her certification period in June, 2019. See Initial Decision at 5-6; see also N.J.A.C. 10:87-9.1(b) (stating that the NOE shall be provided to a SNAP household before the last month of the certification period). As such, the ALJ concluded that the lack of an NOE gave credence to Petitioner's assertions in her testimony that she had not been notified that her SNAP benefits would cease at the end of her certification period in June 2019. See Initial Decision at 6. Based on the foregoing, the ALJ ordered that the Agency issue retroactive SNAP benefits to Petitioner for July 2019, as well as for the period August 1, through August 12, 2019. Ibid.; see also N.J.A.C. 10:87-8.18. I agree, and note that Petitioner has already been determined eligible to again receive SNAP benefits, and, based on the facts presented, but for the fact that Petitioner was not fully apprised that her benefits would cease and terminate at the end of June 2019, she would no doubt have taken the necessary steps for the continuation of her SNAP benefits, as she did in both July and August, 2019. See Initial Decision at 3.

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

Officially approved final version.

OCT 17 2019

Natasha Johnson
Assistant Commissioner

