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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

REMAND DECISION

OAL DKT. NO. HPW 01918-19 S.B.

AGENCY DKT. NO. S557437012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's termination of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits, on recertification. The Agency terminated Petitioner's SNAP benefits, on recertification, contending that she failed to cooperate with the Agency in processing her recertification application for SNAP benefits, specifically, by not providing copies of paystubs, as requested by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 5, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On March 13, 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 hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency determination, and REMAND the matter to the Agency, as discussed below.

Here, Petitioner received a recertification application for continued SNAP benefits on or about December 12, 2018. See Initial Decision at 3. In a previous application for recertification of SNAP benefits, dated December 8, 2017, Petitioner acknowledged that she had earned income, and had worked 30 to 33 hours per week. *Id.* at 2; see also Exhibit R-2 at 2. Based upon that information, the Agency requested that Petitioner provide copies of previous paystubs. See Initial Decision at 2. Petitioner testified credibly that she was unsuccessful in obtaining the requested paystubs because her prior employers told her that the Agency would have to request them. *Id.* at 3. Petitioner further testified that she had told an Agency representative, via a SNAP hotline, of her difficulty, and that the Agency representative informed her that the Agency could not help her. *Ibid.* Petitioner also testified that she then abandoned her efforts to obtain the requested information, believing there was nothing else she could do. *Id.* at 3, 5.

The Agency testified that without Petitioner's paystubs from her prior jobs, it was unable to calculate the amount of SNAP benefits Petitioner would be entitled to. *Id.* at 2. As a result, on November 13, 2018, the Agency notified Petitioner that her SNAP benefits would be terminated, effective December



1, 2018, for "failing to provide information necessary to determine [her] continued eligibility." *Ibid.*, see also Exhibit R-1, and N.J.A.C. 10:87-2.16. However, Petitioner maintained that she did not receive the November 13, 2018, notice, terminating her SNAP benefits. See Initial Decision at 4.

The ALJ found that the record lacked evidence regarding the Agency's communications with Petitioner concerning her obligation to provide the requested documents, her failure of compliance, or any of its attempts to assist Petitioner prior to the November 13, 2018, termination notice. *Id.* at 8; see also Exhibit R-1, and N.J.A.C. 10:87-2.14, -2.19, -2.22(c)(1), (3). Based on the record presented, the ALJ determined that the Agency did not satisfy its obligation to assist Petitioner in obtaining the required information. See Initial Decision at 9; see also N.J.A.C. 10:87-2.22(c)(1). As such, the ALJ reversed the Agency's determination to terminate Petitioner's SNAP benefits, on recertification. See Initial Decision at 9; see also Exhibit R-1, and N.J.A.C. 10:87-2.14, -2.19.

It should be noted that on February 4, 2019, the Agency notified Petitioner that her recertification application for SNAP benefits was denied, effective January 1, 2019, for failing to provide necessary verification to determine eligibility for SNAP benefits. See Initial Decision at 5, 8; see also Exhibit P-1, and N.J.A.C. 10:87-2.16, -2.27(e), -9.4(c). The ALJ found that the issuance of the February 4, 2019, denial notice suggests that Petitioner had reapplied for SNAP benefits. See Initial Decision at 8. However, both Petitioner and the Agency representative testified that she did not complete a new application. Therefore, based upon an independent review of the record, I find no evidence of a new application for SNAP benefits filed after December 12, 2018.

Applicable regulatory authority states that SNAP benefits are approved for a "definite" period of time, or certification period, and at the end of a SNAP benefits recipient's certification period, a new application, interview and verification is required. See N.J.A.C. 10:87-6.20. In the present matter, when the requested paystubs were not provided, the Agency terminated Petitioner's SNAP benefits, and any entitlement to SNAP benefits then ceased at the expiration of her certification period. *Ibid.* While I agree with the ALJ, that the Agency did not assist Petitioner in completing her recertification application for SNAP benefits, Petitioner can only be considered for SNAP benefits eligibility retroactive to the date of a filed application and all necessary verification. See N.J.A.C. 10:87-6.2.

Accordingly, I am remanding the matter back to the Agency for action as follows. First, as it appears that Petitioner did not file her recertification application, due to the lack of assistance from the Agency to obtain required information, Petitioner shall now file an application. The Agency shall then reevaluate Petitioner's eligibility for SNAP benefits retroactive to December 12, 2018, the date she received her recertification application, and to assist her in completing that process. See Initial Decision at 3; see also N.J.A.C. 10:87-2.22(c)(1). Petitioner is advised to timely provide all requested documentation, and the Agency shall assist her, as needed. See N.J.A.C. 10:87-2.14. The Agency shall expedite its review of Petitioner's application, and shall provide Petitioner, if eligible, retroactive SNAP benefits, to the beginning of the certification period. See N.J.A.C. 10:87-8.18. 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 to the Agency, as outlined above.

Officially approved final version.

Natasha Johnson
Director

MAR 28 2019

