



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Commissioner

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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 14136-19 T.D.

AGENCY DKT. NO. C746388007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of his Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits contending that he failed to cooperate with the Agency in completing his recertification process for SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 22, 2019, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained opened to permit the parties to submit additional documents. The record then closed on October 28, 2019.

On November 1, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner's certification period for receipt of SNAP benefits was to expire at the end of September, 2019. See Initial Decision at 2; see also Exhibit R-1 at 2. As such, on August 12, 2019, the Agency requested that Petitioner appear at an interview scheduled for September 16, 2019, so that he could complete the required recertification interview. See Initial Decision at 2; see also Exhibit R-1 at 1, and N.J.A.C. 10:87-2.18, -6.3. The record further reflects that, on August 14, 2019, Petitioner filed a new application for SNAP benefits online, rather than completing the required recertification process. See Initial Decision at 2. Additionally, Petitioner never appeared for the September 16, 2019, interview at the Agency. *Ibid.* The Agency then attempted to leave a voicemail message for Petitioner, on September 19, 2019, but his voice mailbox was full. *Ibid.* Thereafter, on October 3, 2019, Petitioner appeared at the Agency, but refused to complete the application for SNAP benefits, and signed an Affidavit, requesting that the Agency close his SNAP case. *Id.* at 2-3; see also Exhibit R-2.

The ALJ found that the Agency was unable to process Petitioner's August 14, 2019, online application for SNAP benefits, because it was filed prematurely, before his prior 12-month certification period had ended, and that a new application for SNAP benefits could not be processed until such time as the prior certification period had expired. See Initial Decision at 3; see also Exhibit R-5. Moreover, on October 3, 2019, after the prior certification period had, in fact, expired, Petitioner chose not to complete the application for SNAP benefits, and instead requested that his SNAP case be closed. *Ibid.* Accordingly, the ALJ concluded that, based upon Petitioner's October 3, 2019, Affidavit, and his having not appeared for his recertification interview, it was proper for the Agency to terminate Petitioner's SNAP benefits, effective September 30, 2019. *Id.* at 4; see also Exhibit R-2, R-3, and N.J.A.C. 10:87-2.13, -2.18, -6.3. I agree.

Exceptions to the Initial Decision were filed by Petitioner, and received by this office, on November 12, 2019.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.



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By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, Petitioner is without prejudice to re-apply for SNAP benefits at any time. Petitioner is further advised that, if he is again approved for SNAP benefits, the Agency will advise him as to the steps required at the time of recertification for continuation of said benefits, and that a new online application is not required.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

Natasha Johnson

Assistant Commissioner

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