



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 05125-20 L.F.

AGENCY DKT NO C035889002 (BERGEN COUNTY BD OF SOC. SVCS)

Petitioner challenges the Respondent Agency's denial of her application for Supplemental Nutrition Assistance Program ("SNAP") benefits, on recertification. The Agency denied Petitioner SNAP benefits on recertification because Petitioner's countable household income exceeded the maximum permissible level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic plenary hearing was scheduled for August 25, 2020, before the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"). Also on August 25, 2020, the ALJ issued an Initial Decision, dismissing Petitioner's appeal.

No Exceptions to the Initial Decision were received.

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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's denial of SNAP benefits.

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. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits for both adults and children in the household. See N.J.A.C. 10.87-5.5(a)(2).

The record in this matter reflects that, on August 25, 2020, Petitioner and the Agency's representative appeared for the scheduled hearing via telephone due to the COVID pandemic and applicable restrictions. See Initial Decision at 2. Following an extensive discussion of the applicable regulatory authority, which was the legal basis for Petitioner's denial of SNAP benefits, on recertification, and after a lengthy presentation of her case by Petitioner, Petitioner abandoned her hearing and hung up. Ibid. Based upon Petitioner's failure to remain on the phone to conduct the hearing, the ALJ determined that Petitioner had abandoned her request for a hearing in the matter and dismissed the case. Ibid.



Based on the foregoing, I find that Petitioner abandoned her appeal in this matter and, therefore, I affirm the Agency's denial of Petitioner's application for SNAP benefits, on recertification, and dismiss the case.

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

Officially approved final version.

OCT - 1 2020

Natasha Johnson
Assistant Commissioner

