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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 02356-21 C.R.

AGENCY DKT. NO. C773068007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, contending that she failed to cooperate with the Agency in processing her application for SNAP benefits, specifically, by not providing documents as requested by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The hearing was initially scheduled for May 6, 2021, but was adjourned a Petitioner's request, without objection. On the rescheduled date of May 18, 2021, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. By electronic mail dated June 1, 2021, the ALJ requested that the Agency provide additional documentation that it had referenced at the hearing, specifically, Petitioner's application, the denial letter, the NJ-SNAP 33 and/or NJ-SNAP 34, and the Agency's case file notes on Petitioner. As of June 4, 2021, the Agency had not provided the documents requested by the ALJ, and the record closed that day. On June 7, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination.

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

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 MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, as discussed below.

Here, the record reflects that on August 20, 2020, Petitioner applied for SNAP benefits. See Initial Decision at 2. On November 19, 2020, the Agency requested that Petitioner provide, among other items, birth verifications, copies of telephone and utility bills, unemployment verification, and a Letter of Support. See Initial Decision at 3. That same day, via electronic mail, Petitioner provided most of the documents, but did not submit a Letter of Support, as she did not understand the request to submit same. *Id.* at 2, 3; see also Exhibit P-1. Having not received all of the information it had requested, on January 6, 2021, the Agency notified Petitioner that it had denied her application for SNAP benefits, for failing to provide the requested documentation. *Ibid.*, see also N.J.A.C. 10:87-2.27(e).



The ALJ found Petitioner to be credible when she testified that she had called the Agency several times, seeking clarification and assistance, but received no response from the Agency. See Initial Decision at 5. The Agency contends that since Petitioner could not show a confirmation of receipt of the documentation by the Agency, it would not acknowledge that the documents produced during the hearing, were previously submitted to the Agency. Id. at 2; see also Exhibit P-1. The ALJ concluded that the Agency provided no persuasive proof that Petitioner must also provide confirmation of the Agency's receipt, that Petitioner timely submitted the requested documentation, and that the Agency's decision to deny Petitioner's application for SNAP benefits must be reversed, and that the Agency grant Petitioner SNAP benefits retroactive to the date of her August 20, 2020, application. See Initial Decision at 7.

While I agree with the ALJ, that Petitioner provided the requested documentation to the Agency, pursuant to applicable regulatory authority, Petitioner can only be granted SNAP benefits upon a determination that Petitioner is, in fact, eligible for same. See N.J.A.C. 10:87-6.2. Accordingly, I am remanding this matter back to the Agency for action as follows. The Agency shall reevaluate Petitioner's eligibility for SNAP benefits as of August 20, 2020, based upon the documentation which she was requested to provide to the Agency, and which she did, in fact, provide, as demonstrated by the record in this matter. If Petitioner is determined to be eligible for SNAP benefits, based on the submitted documentation, Petitioner is to be provided with retroactive SNAP benefits to August 20, 2020, the date of her application. See N.J.A.C. 10:87-8.18. The Agency is directed to expedite the review of Petitioner's application. Should the evaluation for SNAP eligibility result in a denial of said benefits, Petitioner may request another fair hearing on that substantive denial. The Initial Decision is modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is hereby REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version.

JUN 29 2021

Natasha Johnson
Assistant Commissioner

