



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

REMAND DECISION

OAL DKT. NO. HPW 02438-21 F.G.

AGENCY DKT. NO. C790314007 (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 he failed to cooperate with the Agency in processing his 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 April 13, 2021, but was adjourned to allow the parties to submit documentation they intended to introduce at the hearing. On the rescheduled date of April 27, 2021, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties to submit post-hearing statements, and the record then closed on May 3, 2021. On June 3, 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 July 23, 2020, Petitioner applied for SNAP benefits. See Initial Decision at 2; see also Exhibit R-5. On August 19, 2020, the Agency requested that Petitioner provide, among other items, proof of residence, proof of income, copies of utility bills, photo identification, and a birth certificate. See Initial Decision at 2; see also Exhibit R-1. Having received no response to the Agency's August 19, 2020, request for information, on November 23, 2020, the Agency sent to Petitioner, a second request for information. See Initial Decision at 2; see also Exhibit R-2. Having received no response to its August 19, 2020, or November 23, 2020, requests for documents, the Agency denied Petitioner's application for SNAP benefits, for failing to provide the requested documentation. See Initial Decision at 2-3, 5; see also Exhibits R-3, R-6, and N.J.A.C. 10:87-2.27(e).

D.G., who handles some of Petitioner's affairs, testified on behalf of Petitioner, who is mentally disabled. See Initial Decision at 3; see also Exhibits P-4, P-5. D.G. testified that she was unaware of



the Agency's August 19, 2020, request for information, and that she first became aware of the Agency's request for documents when she received the November 23, 2020, request for information. Ibid. D.G. further testified that, when she became aware of the Agency's denial of Petitioner's application for SNAP benefits, on or around December 1, 2020, she made several calls to the Agency, in an effort to find out how to submit the documents the Agency had requested. See Initial Decision at 4; see also Exhibit P-5 at 2.

The ALJ found D.G. to be credible when she testified that, in addition to making several attempts to contact the Agency via telephone, she also submitted a contact form on the NJ Helps website requesting assistance, but received no response. See Initial Decision at 9. The ALJ further found that D.G.'s attempt to contact the Agency likely would have been to no avail, since the Agency denied Petitioner's SNAP application, and sent an adverse action letter one day after informing Petitioner to respond within 10 days, thereby cutting off Petitioner's right to obtain clarification about the documents the Agency had requested. See Initial Decision at 9-10; see also Exhibits R-2, R-3. The ALJ also found that Petitioner, through his family, made good faith attempts to obtain assistance in submitting the requested documentation, and that Petitioner was not at fault in failing to timely provide the requested documents to the Agency in order to process his application for SNAP benefits. Id. at 10. Accordingly, the ALJ concluded that the Agency's decision to deny Petitioner's application for SNAP benefits must be reversed, and that the Agency must grant Petitioner SNAP benefits retroactive to the date of his July 23, 2020, application. Ibid.; see also Exhibit R-4.

While I agree with the ALJ, 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 July 23, 2020, based upon the documentation which he was requested to provide to the Agency, and which he did, in fact, provide. See Exhibit P-5. 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 July 23, 2020, the date of his 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

