



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

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

REMAND DECISION

OAL DKT. NO. HPW 09801-20 H.H.

AGENCY DKT. NO. C140563001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's denial of her application for Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits because the Agency was unable to locate Petitioner, or verify her residence. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for December 22, 2020, but was adjourned so that Petitioner could retain legal counsel. The matter was rescheduled for January 8, 2021, which date was also adjourned due to an unexpected emergency with Petitioner's legal counsel. Thereafter, on February 26, 2021, the Honorable Kathleen M. Calemmo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for submission of additional documentation, and after receipt of same, the record then closed on March 1, 2021.

On March 4, 2021, the ALJ issued an Initial Decision, reversing the Agency's denial of SNAP benefits and remanding the matter to the Agency to process Petitioner's SNAP benefits application. Here, the record reveals that Petitioner applied online for SNAP benefits on June 11, 2020. See Initial Decision at 2. The record further reflects that the Agency attempted to contact Petitioner, at the telephone number listed on Petitioner's SNAP application, on three separate occasions with no success, and as a result, the Agency denied Petitioner's SNAP benefits application on September 1, 2020. See Initial Decision at 3, 5; see also Exhibit R-2. However, at the hearing, it was determined that inadvertently, Petitioner had provided an incorrect telephone on her SNAP benefits application. *Ibid.* The ALJ in this matter noted that since the onset of the COVID-19 pandemic, in-person interviews for SNAP benefits had been suspended, however, verification of pertinent information was nonetheless required for receipt of benefits. See Initial Decision at 5. As a result, if requisite information could not be obtained over the telephone with a perspective SNAP benefits recipient, the Agency was to send a "Request for Contact" form for clarification. *Ibid.*; see also Division of Family Development Instruction ("DFDI") 21-02-05 at 5. The ALJ in this matter found that, after unsuccessful attempts to contact Petitioner by telephone, the Agency had not sent a Request for Contact to Petitioner, but rather, had denied Petitioner's SNAP benefits application. See Initial Decision at 5-6. Therefore, the ALJ found that proper procedure had not been followed, and as such, the ALJ remanded the matter to the Agency, to process Petitioner's



June 11, 2020, SNAP benefits application, in accordance with the revised procedure in place since the onset of the COVID-19 pandemic. Id. at 6; see also DFDI 21-02-05. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

By way of comment, in the event that, on remand, Petitioner's June 11, 2020, SNAP benefits application is denied, Petitioner may request another fair hearing on that denial.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's denial of Petitioner's June 11, 2020, SNAP benefits application is REVERSED, and the matter is REMANDED to the Agency for action, as outlined above.

Officially approved final version.

APR - 6 2021

Natasha Johnson
Assistant Commissioner

