



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 02476-21 S.B.

AGENCY DKT. NO. C091630003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, due to Petitioner's alleged failure to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 5, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. The record was held open for post-hearing submissions, which were received on April 12, 2021, and the record then closed. On April 21, 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 ADOPT the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the record reflects that, on January 26, 2021, the Agency approved Petitioner's December 30, 2020, application for SNAP benefits. See Initial Decision at 2; see also Exhibit R-B. On January 8, 2021, the Agency requested that Petitioner provide, among other items, a Living Arrangement Affidavit ("LAA") signed by Petitioner and her child, with whom she reported as living in the household. See Initial Decision at 2; see also Exhibit R-F. Petitioner did not receive the Agency's January 8, 2021, request. See Initial Decision at 6. On January 27, 2021, the Agency mailed a copy of its original January 8, 2021, request for information to Petitioner. Id. at 2; see also Exhibit P-3. The January 27, 2021, request further advised Petitioner to return the requested information, specifically, the LAA, within 10 days of the date of the request.

Petitioner credibly testified that she received the Agency's January 27, 2021, request for an LAA on February 1, 2021. See Initial Decision at 4; see also Exhibit P-3. Petitioner further testified that she did not understand how to complete the LAA, and was unable to get in touch with anyone at the Agency



to assist her in completing the LAA. See Initial Decision at 4. On February 5, 2021, Petitioner hand-delivered her response to the Agency. Ibid. On February 18, 2021, the Agency denied Petitioner's application for SNAP benefits, effective February 1, 2021. See Initial Decision at 2; see also Exhibit R-A, P-7, P-8, and N.J.A.C. 10:87-2.14, -2.22(c)(1). In its denial, the Agency contended that Petitioner failed to provide "sufficient verification of household composition," specifically, that her child did not sign the verification. See Initial Decision at 5; see also Exhibit P-8.

The ALJ found, and the Agency concedes, that Petitioner should have been provided 30 days to respond to the Agency's request for more information. See Initial Decision at 7, 8; see also N.J.A.C. 10:87-2.27(e)(1). The ALJ further found that the Agency had an obligation to assist Petitioner in obtaining the proper verification, and that it had failed to do so. See Initial Decision at 7; see also N.J.A.C. 10:87-2.22(c)(1).

Based on the evidence presented, the ALJ concluded that on February 26, 2021, Petitioner provided the requested verification to determine household composition, which included Petitioner's child's signature. See Initial Decision at 8; see also Exhibit R-G. Accordingly, the ALJ reversed the Agency's denial of Petitioner's application for SNAP benefits. See Initial Decision at 8; see also Exhibits P-7, R-A, and N.J.A.C. 10:87-2.22, -2.27, -8.18.

While I agree with the ALJ, that Petitioner had provided the requested verification, 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 December 30, 2020, based upon the documentation she was requested to provide to the Agency, and which, in fact, she did provide to the Agency, as demonstrated by the record in this matter. If Petitioner is determined to be eligible for SNAP benefits, Petitioner is to be provided retroactive SNAP benefits to December 30, 2020, the date of her application. See N.J.A.C. 10:87-8.18. Should Petitioner be denied SNAP benefits, based on the substantive review of the information in her application, she may request another fair hearing on that denial.

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

Officially approved final version.

JUN - 3 2021

Natasha Johnson
Assistant Commissioner

