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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 01152-21 Y.V.

AGENCY DKT. NO. C133402001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

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 failure to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic hearing was scheduled for April 9, 2021, but was adjourned to allow Petitioner time to retain counsel. On April 16, 2021, Petitioner's counsel entered an appearance, and requested an adjournment, which was granted. On May 14, 2021, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On May 20, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on May 27, 2021.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 October 22, 2020, Petitioner submitted an application for SNAP benefits for a three-person household, comprising herself, her child, D.V., and D.V.'s spouse, P.V. See Initial Decision at 2; see also Exhibit R-1 at 17-34. On October 26, 2020, the Agency attempted to contact Petitioner by telephone to request information regarding Petitioner's household composition. See Initial Decision at 2; see also Exhibit R-1 at 9. As the Agency was unable to reach Petitioner by telephone, the caseworker left a voicemail message. See Initial Decision at 2. On that same date, the Agency requested that Petitioner provide, among other items, information regarding the household composition, and most recent paystubs for the members of the household. See Initial Decision at 3; see also Exhibit R-1 at 3-4. On November 5, 2020, Petitioner provided the Agency with some of the items requested on October 26, 2020, but did not provide any information, financial or otherwise, as related to D.V. and P.V., and no copies of shelter expenses were provided. See Initial



Decision at 3; see also Exhibits P-1, R-1 at 36-38. Thereafter, on November 19, 2020, and on November 23, 2020, the Agency attempted to contact Petitioner, but was unsuccessful on both occasions. See Initial Decision at 3; see also Exhibit R-1 at 9.

On November 23, 2020, the Agency denied Petitioner's application for SNAP benefits. See Initial Decision at 3; see also Exhibit R-1 at 1-2, and N.J.A.C. 10:87-2.14. In its denial, the Agency indicated that Petitioner failed to provide "all the information needed to process your application." See Initial Decision at 5; see also Exhibit R-1 at 1.

D.V. testified that she had assisted Petitioner with filing her application for SNAP benefits, and while she and her spouse did live with Petitioner, they (D.V. and P.V) did not provide any financial information, because the benefits were being sought only for Petitioner. See Initial Decision at 4.

The ALJ found that when the Agency received no return call or clarification on Petitioner's household composition, the Agency did not conform to the procedures, as outlined in DFDI Instruction (hereafter, "DFDI") No. 20-09-02; specifically, instead of sending Form SNAP-33 to Petitioner seeking additional verification, Petitioner should have been provided a Form SNAP-34, namely, a Request for Contact form, requesting additional information, and this was not done. See Initial Decision at 7; see also Exhibit R-1 at 3-4.

Accordingly, the ALJ reversed the Agency's denial of Petitioner's application for SNAP benefits, and remanded the matter back to the Agency so that it may process Petitioner's in accordance with DFDI 20-09-02. See Initial Decision at 7; see also Exhibit R-1 at 1-2, and N.J.A.C. 10:87-2.14.

While I agree with the ALJ, that Petitioner should have been provided with a Form SNAP-34, 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 immediately send to Petitioner a Request for Contact form (Form SNAP-34), which must be returned to the Agency in a timely manner. The Agency shall reevaluate Petitioner's eligibility for SNAP benefits as of October 22, 2020, the date of Petitioner's application. If Petitioner is determined to be eligible for SNAP benefits, Petitioner is to be provided with retroactive SNAP benefits to October 22, 2020, the date of her application. See N.J.A.C. 10:87-8.18. Should Petitioner be denied SNAP benefits based upon the substantive review of her application, Petitioner may request another fair hearing on that denial.

By way of comment, I have reviewed the Agency's Exceptions, and I find that they do not alter my decision in this matter.

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.

JUN 17 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

