



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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

FINAL DECISION

OAL DKT. NO. HPW **01910-23 A.B.**

AGENCY DKT. NO. **C254086020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency denied Petitioner SNAP benefits at recertification, contending that Petitioner had failed to provide requested documentation necessary to determine continued eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A plenary hearing was initially scheduled for April 6, 2023, but was adjourned to allow the Agency to locate the hard copy application filed by Petitioner on November 3, 2022, which purportedly included Petitioner's proof of income. On May 26, 2023, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents. On August 18, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter back to the Agency for action.

No Exceptions to the Initial Decision were received.

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 MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

In issuing a Final Agency Decision, following receipt of an Initial Decision from the Office of Administrative Law, N.J.A.C. 1:1-18.6(c) states, "The agency head may not reject or modify any finding of fact as to issues of credibility of lay witness testimony unless it first determines from a review of a record that the findings are arbitrary, capricious or unreasonable, or are not supported by sufficient, competent, and credible evidence in the record."

In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income. See N.J.A.C. 10:87-2.19, -2.20.



N.J.A.C. 10:87-6.3(b) states, "If an application for recertification is submitted after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with N.J.A.C. 10:87-6.2(c)."

An independent review of the record in this matter reflects that Petitioner's prior eligibility for SNAP benefits was due to end on September 31, 2022. See Exhibit R-1. As a result, Petitioner was scheduled for a telephone interview with the Agency on September 13, 2022, but when Petitioner could not be reached, the Agency sent Petitioner an application with directions to complete it, and to provide requested verifications, by September 23, 2022. Ibid. Petitioner did not return the application, however, until October 28, 2022, via facsimile, together with some required documentation, but excluding paystubs to verify income. See Initial Decision at 2. Thereafter, on November 3, 2022, after obtaining the requisite paystubs, Petitioner went to the Agency and submitted another copy of her application. See Exhibit R-2 at 20; see also Initial Decision 2. Petitioner maintains that she submitted paystubs from October, 2022, to the Agency at that time. See Initial Decision at 2. The record reflects that, several months later, on January 27, 2023, the Agency denied Petitioner's application for SNAP benefits, on the basis that documentation verifying Petitioner's earned income had not been provided. See Exhibit R-1 at 24; see also N.J.A.C. 10:87-2.19, -2.20. The Agency asserts that Petitioner did not provide proof of income until February 7, 2023, from which date the Agency then approved Petitioner for SNAP benefits. See Exhibit R-2 at 2, 24. I note that the ALJ incorrectly states that the denial of SNAP benefits occurred on February 7, 2023. See Initial Decision at 3, 5.

The ALJ in this case found Petitioner's testimony credible that she provided copies of the necessary paystubs, verifying earned income, when she submitted the hard copy of her application on November 3, 2022. Id. at 3. While a November 3, 2022, date-stamped copy of the application is in the record, the only copies of paystubs provided in the record are from late December, 2022, and early January, 2023, clearly well after the submitted November, 2022, application. See Exhibit R-2 at 19, 20. However, as the ALJ in this matter found Petitioner's testimony, that she had submitted copies of paystubs with the November 3, 2022, application, to be credible, the ALJ therefore directed that, if said paystubs could not be located by the Agency, Petitioner was to provide another copy to the Agency after appropriate notice to Petitioner, and the Agency was to process Petitioner's October 28, 2022, application. Id. at 5. As a result of the ALJ's credibility finding, I agree, but I find that, if the Agency cannot locate the October, 2022, paystubs, and after appropriate notice, Petitioner is to provide a copy of the October, 2022, paystubs, and Petitioner then fails to do so, the January 27, 2023, denial shall then stand as issued. If the Agency is able to locate, or if Petitioner provides said October, 2022, paystubs, then Petitioner is to be provided with retroactive SNAP benefits, as applicable, to the original date of claimed submission of all required verification, November 3, 2022. See N.J.A.C. 10:87-2.19, -2.20. Based on the complete record presented in this matter, and Petitioner's representation that she did not provide proof of income until the submission on November 3, 2022, I find that Petitioner is not eligible for retroactive SNAP benefits for October, 2022. See N.J.A.C. 10:87-6.3(b). The Initial Decision is modified to reflect the above facts and findings.

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

Officially approved final version. September 27, 2023

Natasha Johnson
Assistant Commissioner

