



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*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

FINAL DECISION

OAL DKT. NO. HPW **00255-23 A.N.**

AGENCY DKT. NO. **C637128007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits on the basis of excess income and household composition. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 16, 2023, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. The record remained open for the receipt of post-hearing submissions by the parties. A submission was filed on March 7, 2023, by counsel for Petitioner, including exhibits referenced at the hearing. See Initial Decision at 2; see also Exhibits P-1 through P-10. The ALJ then notified the Agency of the opportunity to submit a written statement by March 8, 2023. The ALJ also afforded the parties the opportunity to have a telephone conference on the matter. With no request by either party for a telephone conference, and no objection having been received from the Agency with respect to Petitioner's post-hearing submission, the record then closed on March 9, 2023. On April 4, 2023, the ALJ issued an Initial Decision, reversing the Agency's denial of SNAP benefits.

No Exceptions to the Initial Decision were filed.

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, based on the discussion below.

Here, the record reflects that Petitioner had previously resided as one household, with W.B. and with three children, two of whom were the children of Petitioner and W.B. See Initial Decision at 4. The record further reflects that in mid-June, 2022, Petitioner and W.B. separated, and Petitioner then moved with the three children to a separate residence. Ibid. On June 22, 2022, Petitioner applied for SNAP benefits for herself and the three children. Ibid.; see also Exhibit P-2. While the Agency purportedly had questions pertaining to the household composition and income, no Request for Verification form was sent to Petitioner. See Initial Decision at 4-5. Thereafter, in September, 2022, Petitioner was denied



SNAP benefits, and the Agency appears to have improperly included W.B. in the household, and also inappropriately attributed his income to the household. Id. at 5.; see also Exhibits P-2, P-4. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 7-9. The ALJ found that the Agency had improperly utilized information from a prior application filed by Petitioner in 2021, and clearly did not verify the composition of Petitioner's household prior to its denial of Petitioner's June, 2022, application, and it is clear from the record presented that W.B. does not reside in the household. Id. at 9. Moreover, the ALJ found that there was no evidence provided that the Agency had requested any verifying information with respect to either the household composition, or gross income. Ibid. Based on the foregoing, the ALJ concluded that the Agency had erroneously included W.B. and his income in making its determination on Petitioner's June 22, 2022, application for SNAP benefits, and as the Agency had maintained that Petitioner could reapply with her three children "which would not make her overincome," the ALJ opined that Petitioner would be eligible for SNAP benefits based on her June 22, 2022, application. Id. at 10.

While I agree with the ALJ ultimate conclusion, that the Agency improperly denied Petitioner SNAP benefits, and that it is likely Petitioner and three children would be eligible, nonetheless, I note that Petitioner cannot receive SNAP benefits, except upon a determination of eligibility. See N.J.A.C. 10:87-6.2. Accordingly, I am remanding this matter back to the Agency. The Agency shall expedite the substantive evaluation of Petitioner's June 22, 2022, application for SNAP benefits. Based on that evaluation, if Petitioner is determined to be eligible for SNAP benefits, Petitioner is to then be provided with retroactive SNAP benefits to June 22, 2022, the date of application. See N.J.A.C. 10:87-8.18. Should the substantive evaluation result in another denial of SNAP benefits, Petitioner may request another fair hearing on that substantive denial. The Initial Decision is modified to reflect these 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. July 11, 2023

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Natasha Johnson  
Assistant Commissioner

