



## 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 **03001-23 C.B.**

AGENCY DKT. NO. **C825477007 (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, as it contended that Petitioner failed to provide verification documentation necessary to process his application for SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 3, 2023, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On June 14, 2023, the ALJ issued an Initial Decision, reversing the Agency's denial of SNAP benefits.

Exceptions to the Initial Decision were filed by the Agency on June 19, 2023.

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 in August, 2022, Petitioner submitted an application for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1. It appears that, at some point thereafter, the Agency requested additional verification information from Petitioner. See Initial Decision at 3. During, and prior to, the hearing in this matter, Petitioner provided copies of materials he had provided to the Agency, including some documentation pertaining to the adoption of Petitioner's minor child. *Ibid.* It does not appear, and there is no documentation in the record, that a second request for verification was sent out to Petitioner. *Ibid.* On December 22, 2022, the Agency denied Petitioner's application for SNAP benefits. *Ibid.*; see also Exhibit R-2. The ALJ in this matter reversed the Agency's denial in this case, opining that Petitioner had "substantially complied" with the Agency's request. See Initial Decision at 4.

Based on an independent review of the record, it is unclear what specific information was requested from Petitioner, as no copy of the original request for verification was put into the record. Petitioner's exhibits in this case, do show that some information that had been requested was, in fact, provided. See Exhibit P-1. However, I note that in Petitioner's application, on page 6, he does note monthly income received



for his adopted child. See Exhibit R-1 at 6. In the Agency's submitted Exceptions, it is stated, "To this date we do not have income verification for his household showing his income given to him for his adopted child." See Agency Exceptions. 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. In reviewing the documentation submitted by Petitioner for the hearing in this matter, and marked into evidence, I do not see the required verification information with respect to the monthly income for his adopted child, as reflected in his SNAP application, which must be provided. Ibid. Therefore, I am remanding this matter back to the Agency. Petitioner shall have 10 days from receipt of this Final Agency Decision, to submit verification information to the Agency pertaining to the monthly income received for the adoption of his minor child. Petitioner may submit this verification information to Ms. Forbes, the Fair Hearing Liaison in this case. The Agency shall then expedite the substantive evaluation of Petitioner's 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 August, 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. If Petitioner fails to provide the required verification information pertaining to the income received for the adoption of his minor child, within the 10 days following receipt of this Final Agency Decision, then the December 22, 2022, denial shall stand as issued, and Petitioner is without prejudice to reapply for SNAP benefits. 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 25, 2023

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Natasha Johnson

Assistant Commissioner

