



State of New Jersey

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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 11450-22 F.W.

AGENCY DKT. NO. C071489008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination and closure of her Supplemental Nutritional Assistance Program ("SNAP") benefits case. The Agency terminated, and then closed, Petitioner's SNAP benefits case because Petitioner's certification period had ended and no required interview, necessary for the continuation of SNAP benefits, beyond the certification end date, had occurred. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 20, 2023, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for submission of additional documentation, and then closed on January 23, 2023. On February 6, 2023, the ALJ issued an Initial Decision, reversing the Agency's termination.

Exceptions to the Initial Decision were received from the Agency on February 7, 2023.

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 and AFFIRM the Agency's determination, based on the discussion below.

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)."

N.J.A.C. 10:87-9.1 states, "No household may participate [in SNAP] beyond the expiration of the certification period assigned in accordance with N.J.A.C. 10:87-6.20 without a determination of eligibility for a new period. Households shall apply for recertification and shall comply with interview and verification requirements." A Notice of Expiration is to be sent to a SNAP household before the first day of the last month of the household's certification period, but no earlier than the first day of the



next to last month of the certification period. See N.J.A.C. 10:87-9.1(b). The Notice of Expiration shall include, amongst other things, the date of certification period is ending, the date by which an application for recertification must be submitted, and the consequences of failing to apply for recertification in a timely manner. See N.J.A.C. 10:87-9.1(c)(1) – (3). Additionally, in order to expedite the recertification process, Agencies are encouraged to send a recertification application, and an interview appointment letter along with the Notice of Expiration. See N.J.A.C. 10:87-9.1(d).

Based on an independent review of the record, it appears that Petitioner applied for, and was approved, for expedited SNAP benefits on October 21, 2021. See Exhibit R-1 at 1. Thereafter, Petitioner was approved for SNAP benefits from November 1, 2021, through September 30, 2022. See Exhibit R-1 at 3. The November 23, 2021, notice issued to Petitioner indicated approval of benefits retroactive to November 1, 2021, and also advised Petitioner that her certification period was through September 30, 2022. Ibid. That notice further advised that “you will no longer receive food stamp benefits after [September 30, 2022] unless you reapply no later than September 15, 2022.” Ibid. On August 1, 2022, an NJ SNAP Notice of Expiration was sent to Petitioner, advising of the required recertification interview on August 16, 2022, and further advising that Petitioner’s SNAP benefits would terminate unless she submitted an application for recertification by September 15, 2022. See Exhibit R-2. When Petitioner did not complete the required interview on August 16, 2022, and the Agency was unable to reach Petitioner because her voicemail box was full, the Agency sent Petitioner a Notice of Missed Interview, which advised that Petitioner was to contact the Agency to reschedule the required interview, and further stated, “[y]ou must be interviewed if you want to receive NJ SNAP benefits. If you do not complete an interview your NJ SNAP case will be denied (or closed if you are currently receiving benefits).” See Exhibits R-3, R-4. Thereafter, with no contact from Petitioner, her SNAP benefits case closed, as she had been advised, on October 1, 2022. See Exhibits R-1 at 1, 3, R-2. The ALJ in this matter found that no termination notice had been provided, and asserted that, in accordance with N.J.A.C. 10:87-2.27(e) (1)(i), Petitioner would have had an additional 30 days to satisfy the Agency’s requirements. See Initial Decision at 5. On this basis, the ALJ reversed the Agency’s closure of Petitioner’s SNAP case. Id. at 7.

After a full review of the record, as outlined above, and the applicable regulatory authority, I respectfully disagree with the ALJ’s conclusion and find the application of N.J.A.C. 10:87-2.27(e)(1)(i) in this matter to be misplaced. See Initial Decision at 5; see also N.J.A.C. 10:87-6.3(b) (noting that if the recertification application is not submitted until after the household’s certification period expires, that the application is then treated as an initial application). Rather, I find that the Agency correctly issued the Notice of Expiration in this matter, advising of the end of Petitioner’s certification period, the required interview and completed application for recertification, and the deadline for submission of said application in order for benefits to continue, and that said Notice of Expiration was appropriate written notice to Petitioner that her SNAP benefits case would close, effective September 30, 2022, if the interview and application were not completed. See Exhibit R-2; see also N.J.A.C. 10:87-9.1. Moreover, while it is unclear from the record presented if Petitioner ever submitted an application for recertification, it is clear that Petitioner did not comply with the interview requirement, regardless of whether or not a recertification application had been submitted, and all necessary information for continued eligibility verified. See N.J.A.C. 10:87-2.18, -2.19, 2.20. Based on the foregoing, I find that the Agency’s closure of Petitioner’s SNAP benefits case, effective October 1, 2022, was proper and must stand. The Initial Decision is modified to reflect the above findings and analysis.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits in her current county of residence, but is reminded that she must comply with all program requirements, including completing the required interview, as well as providing all information and documentation requested, in order to determine eligibility.

By way of further comment, I note that the Agency issued documents submitted into evidence by Petitioner as Exhibits P-1, P-2 and P-3 have no relevance to the issue presented in this case, namely, Petitioner’s recertification for SNAP benefits.



Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. March 21, 2023

Natasha Johnson
Assistant Commissioner

