



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 11238-22 G.L.

AGENCY DKT. NO. S574367012 (MIDDLESEX COUNTY BD. 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 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. On January 24, 2023, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents. On February 1, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on February 9, 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, REVERSE the Agency's determination, and REMAND the matter to the Agency, 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. 10:87-9.1 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."

The record in this matter reflects that Petitioner's recertification application for SNAP benefits was deemed submitted as of July 27, 2022. See Initial Decision at 2, n1. A request for verification was sent to Petitioner also on July 27, 2022. See Initial Decision at 2; see also Exhibit R-2. When the requested information was not received within the regulatory timeframe of 30 days, the Agency denied Petitioner's recertification application on August 26, 2022. See Initial Decision at 3; see also Exhibit R-7. The



regulatory basis contained on the August 26, 2022, adverse action notice is N.J.A.C. 10:87-2.14, with the explanation that the application was denied for failing to provide information necessary to process the application. See Exhibit R-7. The issue presented in this matter is whether or not Petitioner submitted sufficient information in the 30 days following the denial, such that the Petitioner's SNAP benefits case could be reopened, without a new application. See N.J.A.C. 10:87-2.27(e)(1)(ii); see also Initial Decision at 4. The ALJ in this matter determined that the September 25, 2022, submissions of Petitioner's information from DoorDash corroborated Petitioner's assertion that he was not working for DoorDash at the time of his recertification application and had not earned money from the company in the four weeks prior to his recertification application. See Initial Decision at 5, 6, 7. Based on the foregoing, the ALJ concluded that Petitioner had provided the information necessary to evaluate his recertification application, and therefore, the closure of Petitioner's SNAP benefits was must be reversed. Id. at 7. I agree with the ALJ, however, pursuant to applicable regulatory authority, Petitioner can only 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 evaluate Petitioner's application and submitted documentation for continued eligibility for SNAP benefits, taking into account the determinations made in this case. The Agency shall expedite the substantive evaluation of Petitioner's application and documentation, and if Petitioner is determined to be eligible for SNAP benefits, Petitioner is to then be provided with retroactive SNAP benefits to July 27, 2022. 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.

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

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

Officially approved final version. March 22, 2023

Natasha Johnson
Assistant Commissioner

