State of New Jersey

PHILIP D. MURPHY	DEPARTMENT OF HUMAN SERVICES	SARAH ADELMAN
Governor	DIVISION OF FAMILY DEVELOPMENT	*Commissioner*
	PO BOX 716	
SHEILA Y. OLIVER	TRENTON, NJ 08625-0716	NATASHA JOHNSON
Lt. Governor		*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 **03644-23 G.S.**

AGENCY DKT. NO. **C133258009** (**HUDSON COUNTY DEPT OF FAM 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 the Agency alleged that it was unable to locate Petitioner. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 18, 2023, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 19, 2023, the ALJ issued an Initial Decision, reversing the Agency's case closure and ordering the Agency to provide Petitioner with SNAP benefits for February and March, 2023.

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 ADOPT the ALJ's Initial Decision, REVERSE 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, as well as residence. 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."

Here, the record shows that Petitioner was sent a recertification notice, stating that Petitioner would receive a call on January 19, 2023, from the Agency with regards to her recertification. See Initial Decision at 2. Petitioner contacted the Agency on that date to provide the Agency with her new telephone number. Ibid. However, despite having provided the new telephone number, the Agency nonetheless called her former number and were not able to reach Petitioner. Ibid. Thereafter, on

January 20, 2023, the Agency sent Petitioner a notice, indicating that her SNAP case would close due to the Agency's inability to locate Petitioner. Ibid.; see also Exhibit R-1. Petitioner then reapplied for SNAP benefits in March 2023, with her current phone number being provided on that application, and Petitioner was again found eligible for SNAP benefits beginning in April, 2023. See Initial Decision at 2. During the hearing before the ALJ, the Agency admitted that Petitioner's current phone number had not been updated in its system, and in fact, was not updated until the date of the hearing, July 18, 2023. Ibid. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's SNAP benefits case for the months of February and March, 2023, was improper and must be reversed. Id. at 5. I agree, particularly in light of the fact that shortly after the case closure, Petitioner subsequently reapplied and was again found eligible for SNAP benefits. The Agency is directed to issue Petitioner retroactive SNAP benefits for February and March, 2023. See N.J.A.C. 10:87-8.18.

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

Officially approved final version.   August 22, 2023

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Natasha Johnson
Assistant Commissioner