



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **04865-22 L.S.**

AGENCY DKT. NO. **C170250003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

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 documentation necessary to process his application for SNAP benefits, specifically, proof of income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for August 10, 2022, but was adjourned. The matter was rescheduled for September 7, 2022, but that date was also adjourned. After another rescheduling, on November 17, 2022, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record then closed on December 13, 2022, upon receipt of closing briefs submitted by the parties. On January 6, 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 in February, 2022, Petitioner submitted an application for SNAP benefits. See Initial Decision at 2; see also Respondent Exhibit A. In order to continue processing Petitioner's application, by notice dated February 22, 2022, the Agency requested that Petitioner provide, among other items, and no later than March 4, 2022, copies of paystubs from the previous 30 days. See Initial Decision at 2; see also Respondent Exhibit B. The February 22, 2022, notice also advised Petitioner to contact the Agency if he needed help obtaining and providing the requested information. *Ibid.* On March 15, 2022, Petitioner provided, among other requested items, copies of weekly paystubs for the period beginning January 30, 2022, through February 19, 2022. See Initial Decision at 2-3; see also Respondent Exhibit C. Notably, Petitioner included an additional copy of the weekly paystub



covering the period beginning February 13, 2022, through February 19, 2022, bringing the total number of paystubs provided to the Agency to four. Ibid.

On March 21, 2022, the Agency denied Petitioner's application for SNAP benefits, for failing to provide, among other items, sufficient verification of income for the last 30 days. See Initial Decision at 3; see also Respondent Exhibit D. Thereafter, Petitioner requested a Fair Hearing, which was later scheduled for July 13, 2022. See Initial Decision at 3; see also Respondent Exhibit E. On June 23, 2022, an Agency representative contacted Petitioner's counsel requesting clarification about Petitioner's paystubs. See Initial Decision at 3; see also Respondent Exhibit F. The next day, after Petitioner's counsel responded with the clarifying information, the Agency representative offered to re-submit Petitioner's documents for a re-evaluation. See Initial Decision at 3; see also Respondent Exhibit H. On July 6, 2022, the Agency notified Petitioner that his SNAP case remained denied, as the documents and information received resulted in no changes, and that he may re-apply for SNAP benefits, as his February, 2022, SNAP application was no longer valid. See Initial Decision at 3-4; see also Respondent Exhibit G.

Petitioner argues that the Agency did not provide him a face-to-face, or telephone interview, or a home visit, and that it failed to offer assistance in obtaining the required verification, thus causing a delay in providing the requested information to the Agency. See Initial Decision 6, 8; see also N.J.A.C. 10:87-2.18(a). The Agency contends that Petitioner's application was denied because he submitted two copies of the same paystub twice, resulting in only three weeks of paystubs, instead of four weeks, as requested by the Agency. See Initial Decision at 4, 8; see also Respondent Exhibit B.

The ALJ found Petitioner to be credible when he testified that he was not aware that he had submitted the same paystub twice, and that he supplied all of documents the Agency had requested. See Initial Decision at 5. The ALJ further found that, while the Agency was not required to hold face-to-face interviews or home visits when Petitioner filed his application for SNAP benefits in February, 2022, as a result of the Public Health Emergency that was in effect, Petitioner did not request a face-to-face interview. Id. at 7-8. The ALJ also found that when Petitioner provided only three weeks of paystubs, he only needed to provide an additional weekly paystub, and this was not communicated to Petitioner before the Agency denied his application for SNAP benefits. Id. at 8. Accordingly, the ALJ concluded that the Agency failed to offer assistance in completing the application for SNAP benefits, thereby causing the delay, and as such, reversed the Agency's denial of SNAP benefits to Petitioner. Id. at 8-9; see also Respondent Exhibit D, and N.J.A.C. 10:87-2.27(e). The ALJ ordered that Petitioner's SNAP benefits be reinstated, retroactive to February 17, 2022, the original date of application.

While I agree with the ALJ, that the Agency should not have denied Petitioner's February, 2022, application for SNAP benefits, and should have better communicated with Petitioner, 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 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 February 17, 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. February 9, 2023

Natasha Johnson
Assistant Commissioner

