



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 **04250-23 M.C.**

AGENCY DKT. NO. **C134183003 (BURLINGTON 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 June 7, 2023, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents. The record remained open for the parties to supplement the record, and when no submissions were received, the record then closed on June 15, 2023. On June 26, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter back to the Agency.

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 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.

The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. The ALJ concluded that the Agency had failed to process Petitioner's SNAP benefits application in a timely fashion and in accordance with regulatory authority. See Initial Decision at 10. The ALJ further concluded that when the Agency had issued a Request for Contact, on July 11, 2022, it had improperly issued a contemporaneous termination notice. *Ibid.* Moreover, the ALJ concluded that the Agency's January 31, 2023, notice of denial, inappropriately back dated to July 15, 2023, was also improper and must be reversed. *Id.* at 11. Based on the foregoing, the ALJ ordered that



Petitioner's application for SNAP benefits must be reversed and the matter remanded to the Agency to complete the processing of Petitioner's SNAP benefits application. Ibid. Based on an independent review of the record, I agree. 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 eligibility for SNAP benefits. 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 May 20, 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. August 15, 2023

Natasha Johnson
Assistant Commissioner

