



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 **04086-23 M.P.**

AGENCY DKT. NO. **C274757020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of her application for Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, contending that Petitioner had failed to cooperate in providing information and documentation necessary to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. After an initial conference with the parties on June 30, 2023, on July 14, 2023, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. The record remained open for the submission of additional documentation and argument, and the record then closed on July 19, 2023.

On July 31, 2023, the ALJ issued an Initial Decision, reversing the Agency denial of Petitioner's September, 2022, application for benefits, but finding Petitioner ineligible for benefits in the month of application, and only eligible in the subsequent months of October and November, 2022. The ALJ in this matter issued a thorough and comprehensive Initial Decision, detailing the procedural history and facts in this matter, outlining the applicable law, and then applying law to fact. See Initial Decision at 2-21. From a review of the testimonial and documentary evidence in this matter, it is clear that ultimately, because Petitioner had been approved for SNAP benefits retroactive to December, 2022, the only remaining issue was with respect to SNAP benefits for September, October and November, 2022, respectively. See Initial Decision at 17, 19. Here, the ALJ concluded that, due to the Petitioner's conscious decision not to communicate with the Agency following the September 30, 2022, Request for Verification, and the October 11, 2022, deadline to provide requested verification having passed, Petitioner forfeited any entitlement to retroactive benefits for the month of application, September, 2022. See Initial Decision at 18; see also N.J.A.C. 10:87-2.27(e). However, with respect to the October and November, 2022, SNAP benefits, the ALJ found that the Agency had failed to comply with applicable regulatory authority and therefore, Petitioner is due retroactive benefits for October and November, 2022. See Initial Decision at 18-20. Based on the foregoing, the ALJ ordered that the denial of Petitioner's September, 2022, application was reversed, but that Petitioner was not entitled to SNAP benefits for the month of application, September, 2022, but rather only for the months of October and November, 2022, and ordered the Agency to issue retroactive benefits solely for those two months to



Petitioner. Id. at 20-21. Following an independent review of the record in this matter, I agree, particularly in light of the fact that Petitioner's subsequent application of December, 2022, was ultimately approved.

Exceptions to the Initial Decision were received from Petitioner on August 9, 2023.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner and find that the arguments made therein do not alter my decision in this matter.

By way of further comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b) which states, "[t]he county or municipal representative must have knowledge of the matter at issue and must be able to present the agency case, supplying the ALJ with that information needed to substantiate the agency action."

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's denial of Petitioner's September, 2022, application for benefits is REVERSED, but with eligibility for said benefits only for the months of October and November, 2022, as outlined above.

Officially approved final version.      September 27, 2023

---

Natasha Johnson  
Assistant Commissioner

