



## State of New Jersey

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*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 11214-22 S.J.

AGENCY DKT. NO. C101413003 (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 within the designated time frame. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 6, 2023, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents. On February 21, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination.

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.

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."

Based upon an independent review of the record, it seems that the issue in this matter revolves around the lack of one particular piece of documentation, specifically, and the Agency representative agreed, that the only missing documentation is a letter of separation from a prior employer of Petitioner, Cenlar Federal Saving Bank. See Initial Decision at 5. Petitioner had timely submitted this particular piece of documentation to the Agency as a screenshot. Id. at 4, 8. While other documentation submitted to the



Agency as screenshots had been received and were legible, the separation letter from Cenlar Federal Savings Bank could not be accessed, yet the Agency had not notified Petitioner that the submission was inaccessible. Ibid. The ALJ in this matter further found that the Agency's delay in processing Petitioner's application served as a detriment to Petitioner, precluded Petitioner in resubmitting the necessary documentation and furthermore, Petitioner would have been able to address any Agency's concerns pertaining to her nephew. Id. at 8. Based on the foregoing, the ALJ concluded that the Agency's determination to deny Petitioner SNAP benefits, at recertification, was improper and must be reversed. Id. at 9.

While I agree with the ALJ's ultimate conclusion, I note that it certainly appears that there was a delay at the Agency in processing and determination on Petitioner's recertification application, and as such, the procedure in N.J.A.C. 10:87-2.27(f) should have been followed. Additionally, Petitioner should have been advised of the inaccessible documentation. Pursuant to applicable regulatory authority, Petitioner can only be 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. If she has not already done so, Petitioner shall resubmit the inaccessible documentation to the Agency within 15 days of the date of this Final Agency Decision. The Agency shall evaluate Petitioner's application and submitted documentation for continued 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 September 1, 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.

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.

April 5, 2023

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Natasha Johnson

Assistant Commissioner

