



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **08044-22 S.N.**

AGENCY DKT. NO. **C060898003 (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 her application for SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 17 2022, the Honorable Susan L. Olgati, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. During the hearing, Petitioner's counsel experienced some technology issues, and requested a continuance of the hearing. The matter was rescheduled for October 31, 2022. Thereafter, Petitioner's counsel advised of a scheduling conflict with a case in Superior Court, and requested an adjournment. The matter was again rescheduled, and heard for November 14, 2022. The record then closed on November 15, 2022, upon receipt and review of additional documentation submitted by the parties during the hearing. On November 28, 2022, 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 on May 6, 2022, Petitioner submitted an application for SNAP benefits, and indicated that she lived at an address on M. Lane. See Initial Decision at 2; see also Exhibit R-A. On May 25, 2022, Petitioner contacted the Agency to check on the status of her May 6, 2022, application for SNAP benefits, and also explained that she previously provided recertification paperwork to the Agency, that the Agency had advised her that the paperwork had not been received, and that she had reapplied for SNAP benefits online and had delivered a packet of documents to the Agency, along with a note that she was now staying in a hotel. See Initial Decision at 2-3; see also Exhibit R-A. On June 1, 2022, the Agency denied Petitioner's application for SNAP benefits, and advised Petitioner



that if she were to provide the Agency with copies of paystubs, along with her current address, and household composition, her case would be reopened without requiring a new SNAP application. See Initial Decision at 3; see also Exhibit R-B, and N.J.A.C. 10:87-2.27(e)(1)(ii). The June 1, 2022, denial notice was sent to Petitioner's address on M. Lane. See Initial Decision at 3; see also Exhibit R-B.

On June 2, 2022, Petitioner provided the Agency with one paystub, and information relating to Social Security benefits issued to her adult child. See Initial Decision at 3; see also Exhibit R-C. The Agency never responded to Petitioner's June 2, 2022, email, and after Petitioner's counsel requested that the Agency look into Petitioner's case, on August 9, 2022, the Agency confirmed that it had received Petitioner's documents sent on June 2, 2022. See Initial Decision at 3; see also Exhibit P-B. On August 10, 2022, the Agency denied Petitioner's application for SNAP benefits for failing to provide sufficient verification of earnings, verification of address and household composition. See Initial Decision at 3; see also Exhibit R-F. The August 10, 2022, denial notice was also sent to Petitioner's address at M. Lane. *Ibid.*

On August 15, 2022, Petitioner's counsel emailed two paystubs to the Agency, which she indicated had been previously provided by Petitioner when originally requested by the Agency. See Initial Decision at 3; see also Exhibit P-G. On August 18, 2022, Petitioner's counsel advised the Agency that Petitioner had provided a physical copy of her recertification application, with the paystubs, and further advised that Petitioner had not received any written notices because she had been staying in a motel after losing her housing. See Initial Decision at 4; see also Exhibit R-F at 10. On August 22, 2022, Petitioner's counsel advised the Agency that Petitioner is homeless, and requested that the Agency provide a form so that Petitioner can have her mail delivered at the Agency. See Initial Decision at 4; see also Exhibit R-F at 11.

The ALJ found Petitioner to be credible when she testified that she became homeless after she submitted her application in May, 2022. See Initial Decision at 4, 5. The ALJ further found that Petitioner submitted the requested paystub information via email, and also via hard copy to the Agency. *Id.* at 4. The ALJ also found that Petitioner received no written notice from the Agency, requesting verification of information in connection with her June 2, 2022, application for SNAP benefits, and the letters denying Petitioner's application for SNAP benefits, were sent to her former address, after the Agency was on notice that she had been living in a motel. *Id.* at 5.

Accordingly, the ALJ concluded that Petitioner was not provided with a meaningful opportunity to participate in the application process, and that she was not notified of the action she was required to take to complete her application, and reversed the Agency's denial of SNAP benefits to Petitioner. *Id.* at 6; see also Exhibit R-5, and N.J.A.C. 10:87-2.14, -2.15, -2.16.

Based upon an independent review of the record, while I agree with the ALJ that Petitioner did provide the requested documents, and that the Agency should not have denied Petitioner's May, 2022, application for SNAP benefits, Petitioner cannot receive SNAP benefits, except upon a determination of eligibility for same. See N.J.A.C. 10:87-6.2. Accordingly, I am remanding this matter back to the Agency. The Agency shall communicate with Petitioner if any further information is needed. The Agency shall then 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 May, 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 discussed above.



Officially approved final version. February 9, 2023

Natasha Johnson
Assistant Commissioner

