



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 **07080-23 T.A.**

AGENCY DKT. NO. **S581954012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, contending that Petitioner had failed to provide requested documentation necessary to determine SNAP eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 22, 2023, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 4, 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, 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.

Here, the record reveals that Petitioner filed an application for SNAP benefits on March 10, 2023. See Initial Decision at 2; see also Exhibit R-1. On March 20, 2023, the Agency advised Petitioner, in writing, of certain verifying documentation required to be provided to the Agency by April 9, 2023, in order to determine continued SNAP benefits eligibility. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:87-2.19, -2.20, -2.30(a)(3). The record reflects that Petitioner had timely provided all of the requested documentation to the Agency. See Initial Decision at 2, 5-6; see also Exhibits R-3 through R-10. Nevertheless, because Petitioner's wife's paystubs, as submitted, allegedly omitted his wife's gross salary information, the Agency determined that he had failed to provide all required documentation, and consequently, on that basis, denied SNAP benefits to Petitioner. See Initial Decision at 2-3; see also Exhibit R-13, and N.J.A.C. 10:87-2.15, -2.16.



The ALJ found that Petitioner had provided all the requested documentation, and that the Agency had acknowledged, that prior its denial, it had never advised Petitioner that the omission of his wife's gross income from the paystubs that he had provided was material and would result in a denial of SNAP benefits. See Initial Decision at 3-6. Nor did the Agency contact Petitioner to advise him that if said omitted information was provided by May 9, 2023, he could avoid a denial of SNAP benefits. Id. at 4-6. Further, the ALJ found that the Agency had not attempted to obtain the omitted information from Petitioner's wife's employer, as permitted by regulatory authority. Id. at 3, 6. Based on the testimony and documentary evidence provided, the ALJ concluded that Petitioner had satisfied his obligation to cooperate with the Agency and provide all available information that was required to determine his eligibility for SNAP benefits. Id. at 6; see also N.J.A.C. 10:87-2.15, -2.16. Accordingly, the ALJ determined that the Agency's denial of SNAP benefits to Petitioner was improper and must be reversed. See Initial Decision at 5-6; see also Exhibit R-13. I agree. However, it does not appear from the record that the Agency has had the opportunity to review all the verifying documentation provided for eligibility, and as such, I find that the Agency must first be given that opportunity before it can be determined if Petitioner is, in fact, eligible for continued SNAP benefits. Accordingly, I remand the matter to the Agency to evaluate Petitioner's eligibility for SNAP benefits, on an expedited basis. The Initial Decision is modified to reflect this finding.

By way of comment, Petitioner is advised that should he be denied SNAP benefits based on the evaluation of the submitted documentation for eligibility, he may request another fair hearing on that substantive review and denial.

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. November 1, 2023

Natasha Johnson
Assistant Commissioner

