



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 **01299-23 T.C.**

AGENCY DKT. NO. **C201145009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination and closure of her Supplemental Nutritional Assistance Program ("SNAP") benefits case. The Agency terminated, and then closed, Petitioner's SNAP benefits case because the Agency alleged that it was unable to locate Petitioner, and no required interview, necessary for the continuation of SNAP benefits, beyond the certification end date, had occurred. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 12, 2023, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 11, 2023, the ALJ issued an Initial Decision, reversing the Agency's termination and remanding the matter to the Agency for further action.

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, as well as residence. See N.J.A.C. 10:87-2.19, -2.20.

N.J.A.C. 10:87-6.3(b) states, "If an application for recertification is submitted after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with N.J.A.C. 10:87-6.2(c)."

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."



I hereby take official notice that, since the date of hearing in this matter, the records of this office shows that Petitioner was approved for SNAP benefits, with a certification period beginning March 29, 2023, and is currently receiving SNAP benefits. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). I also take official notice that the records of this office further show that Petitioner did not receive SNAP benefits after July, 2022, until the time that current certification period began. Thus, the issue presented is as to that specific time frame. The record shows that the Agency issued a denial notice, dated November 11, 2022, and effective August 19, 2022, based on an alleged inability and failure to locate Petitioner. See Exhibit R-1 at 1. The Agency claims that it attempted to contact Petitioner by telephone on November 7, 2022, and further maintains that it was unable to reach her. See Exhibit R-1 at 3. However, no corroborating evidence was presented indicating how many attempts were made, or that any voicemail message had been left for Petitioner, and if so on what date(s). See Initial Decision at 4, 5. Moreover, the ALJ found Petitioner's testimony credible, when she stated that her phone number and her address had not changed, and she had received no phone messages from the Agency, nor had she received any notifications from the Agency. Id. at 7. Based on the foregoing, the ALJ concluded that the Agency's November 17, 2022, denial of SNAP benefits, due to a failure to locate, was improper and must be vacated. Id. at 8. The ALJ then gave directions that the Agency contact Petitioner at a specified telephone number, advise her of the verifications needed to process her August, 2022, application, to be followed up in writing by the Agency. Ibid. Petitioner would then have 10 days to provide the requested documentation, and if additional documentation was required, the Agency was to advise Petitioner accordingly, by telephone and Petitioner would have an additional 10 days to provide same. Id. at 8-9. Finally, the ALJ directed that the Agency reconsider its November 17, 2022, determination based on the documentation provided by Petitioner. Id. at 9. I agree. Further, if the Agency determines that Petitioner was, in fact, eligible for SNAP benefits, effective August 19, 2022, then Petitioner is to then be provided with SNAP benefits retroactive to that date, through the time Petitioner was later approved for SNAP benefits, effective March 29, 2023, as appropriate. 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. July 25, 2023

Natasha Johnson
Assistant Commissioner

