



State of New Jersey

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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 **10294-22 T.W.**

AGENCY DKT. NO. **C081762003 (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. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 22, 2022, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents. On January 11, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on January 23, 2023.

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, the issue in this matter revolves around Petitioner's omission of the proof of income for her adult daughter, who is a member of the SNAP household, with her recertification documentation. See Initial Decision at 2-3. The record reveals that Petitioner's recertification application for SNAP benefits was submitted to the Agency on July 6, 2022. *Id.* at 2; see also Exhibit R-A. While Petitioner maintains that she did not receive the Request for Verification,



she further represents that the failure to provide the income verification for her adult was an oversight, and that she was not advised that she could provide the missing documentation within 30 days of the Agency's September 22, 2022, denial notice. See Initial Decision at 3, 5; see also N.J.A.C. 10:87-2.27(e)(1). It is undisputed, based on the documentation provided by the Agency that, for unknown reasons, the box on the adverse action notice was not checked, advising that such missing documentation could be submitted within 30 days of the denial, and her SNAP case would then be reopened. See Exhibit R-F; see also Initial Decision at 4, 5. Furthermore, it is undisputed that Petitioner requested a fair hearing on September 28, 2022, shortly after the issuance of the denial notice, and during the 30-day time frame within which Petitioner could have submitted the missing income verification, had her case reopened and possibly have avoided the necessity for a fair hearing in this matter. See Initial Decision at 6. Based on the foregoing, the ALJ concluded that the Agency's determination to terminate Petitioner SNAP benefits, at recertification, was improper and must be reversed and the missing paystubs reviewed for eligibility. Id. at 6.

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 missing income 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 submit the missing income documentation for her adult daughter 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 August 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.

By way of comment, I have reviewed the Agency's Exceptions and find that the arguments made therein do not alter my decision in this matter. Additionally, the Agency submitted documentation with its Exceptions that were not presented at the hearing before the ALJ. The Agency is reminded that this is not appropriate. See N.J.A.C. 1:1-18.4(c) ("Evidence not presented at the hearing shall not be submitted as part of an exception").

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. February 21, 2023

Natasha Johnson
Assistant Commissioner

