



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 **09365-22 U.M.**

AGENCY DKT. NO. **C240268009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of his application for Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, contending that Petitioner had failed to provide information and documentation necessary to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 1, 2022, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. The record was held open so that the parties could submit additional documentation, and then closed on December 5, 2022.

On December 23, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reveals that Petitioner applied for SNAP benefits on or about August 1, 2022. See Initial Decision at 2. The record further shows that Petitioner is self-employed. *Ibid.* On August 18, 2022, the Agency sent Petitioner a Request for Verification, seeking, amongst other things, employment and income information, noting that if Petitioner was self-employed, he would need to submit a copy of his current tax return, including Schedule C. *Ibid.*; see also Exhibit R-1. Petitioner submitted his 2020 tax return to the Agency, and indicated that he had an extension to file his 2021 return. See Initial Decision at 2. However, the Agency indicated that it needed verification of his current income, and maintained that Petitioner could have submitted his pay history as verification. *Ibid.* As such, on August 31, 2022, the Agency denied Petitioner's application for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:87-2.19. Petitioner maintains that, as of the date of the hearing before the ALJ, he had filed his 2021 tax return, yet did not submit a copy, or provide the date of its filing or the amount of report income. See Initial Decision at 3. 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. Without said verification of required information, SNAP eligibility cannot be determined or granted. *Ibid.* Based on the foregoing, the ALJ concluded that Petitioner had not provided the income information required to be verified to determine eligibility, and as such, the Agency's denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also N.J.A.C. 10:87-2.19, -2.20. I agree.



Exceptions to the Initial Decision were received on January 19, 2023, from Petitioner.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, I have reviewed Petitioner's Exceptions, and find that the arguments made therein do not alter my decision in this matter, for the following reason. Petitioner's Exceptions are comprised of documentation which was not entered into evidence at the hearing before the ALJ. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ.

By way of further comment, Petitioner is without prejudice to reapply for SNAP benefits, if he has not already done so, but must provide all information and documentation requested in order to determine eligibility.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

January 25, 2023

Natasha Johnson

Assistant Commissioner

