



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **10845-23 V.D.**

AGENCY DKT. NO. **S621265012 (MIDDLESEX 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 he failed to provide all information needed to determine his continued SNAP benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 15, 2023, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On November 22, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reveals that Petitioner applied for SNAP benefits on June 21, 2023, and by notice dated July 13, 2023, was required to provide the Agency with information regarding how Petitioner pays for his living expenses, among other requested documents, by the end of the recertification period on July 31, 2023. See Initial Decision at 2-3; see also Exhibits R-1 at 9. In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned, used to pay living expenses. 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.* Following the presentation of the testimonial and documentary evidence in this case, the ALJ found Petitioner's testimony self-serving, and the Agency's testimony and documents to be credible. See Initial Decision at 4. Significantly, at no point has Petitioner provided any documentation to the Agency or ALJ to show how he is paying for his living expenses, or provide consistent testimony regarding his alleged lack of notice, both of the Request for Verification and the Agency's denial notice. *Id.* at 4, 6-7. Accordingly, the ALJ concluded that the Agency's denial of SNAP to Petitioner benefits at recertification was proper and must stand. *Id.* at 7; see also Exhibit R-1 at 9, and N.J.A.C. 10:87-2.14, -2.19, -2.20. I agree.

Exceptions to the Initial Decision were received by Petitioner on November 29, 2023.

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 the Exceptions submitted on behalf of the Petitioner, and I find that the arguments made therein do not alter my decision in this matter. Moreover, Petitioner is advised that, in accordance with regulatory authority, once an individual's certification period has ended, that individual is not entitled to continued SNAP benefits pending a fair hearing. See N.J.A.C. 10:87-8.7(a).

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 SNAP benefits eligibility.

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

Officially approved final version. December 28, 2023

Natasha Johnson
Assistant Commissioner

