



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 **10867-24 A.G.**

AGENCY DKT. NO. **S601042012 (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's application for SNAP benefits at recertification, contending that she failed to provide verifications as requested and required to determine her eligibility for continued SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 9, 2024, a prehearing conference was held, the Agency clarified the verifications being sought, and Petitioner provided additional verifications. See Exhibits R-12, R-13, and R-14. On September 20, 2024, the Honorable Allison Friedman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On October 4, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination and ordering the Agency to continue processing the Petitioner's recertification to make an eligibility determination.

Exceptions to the Initial Decision were filed by the Agency on October 11, 2024.

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 and AFFIRM the Agency's determination, based on the discussion below.

Here, an independent review of the record indicates that, on May 29, 2024, Petitioner submitted a recertification application for her SNAP benefits, which was signed on June 7, 2024. See Exhibit R-1. Following a telephone interview with Petitioner, on May 29, 2024, the Agency sent a request for verification ("Notice of Required Verification") to Petitioner regarding verification of her income, from two employers as indicated in her interview, and her expenses. See Initial Decision at 2; see also Exhibit R-2. On June 12, 2024, Petitioner submitted information in response to the May 29, 2024, request from the Agency. See Exhibits R-3, R-4. Following a review of the submissions by Petitioner, on June 25, 2024, the Agency sent a second request for verification, via a "held pending letter," indicating that Petitioner's recertification was being held pending receipt of additional verification regarding a break in her employment from one of her two employers. See Initial Decision at 2, see also Exhibit R-5. Such request was necessitated as, when Petitioner returned her May 29, 2024 application with her signature, she had handwritten in the "FOR OFFICE USE ONLY" portion of the application, "Not at Amazon Anymore," which required the Agency to request verification of her separation from employment with Amazon, as well as verification as to how Petitioner was paying her monthly rent, and expenses, when the income she reported was less than her monthly rent. See Exhibit R-5. On July 3, 2024, Petitioner submitted further information in response to the Agency's June 25, 2024, request for information. See Exhibit R-6. On July 5, 2024, the Agency issued a denial of Petitioner's recertification application for failure to submit mandatory verification, specifically, information as to how she was able to satisfy her monthly rent payment when her income totaled less than her rent. See Exhibit R-7. On August 16,



2024, the Agency sent Petitioner notification that her SNAP benefits were terminated effective July 1, 2024, citing a delay due to insufficient verification pursuant to N.J.A.C. 10:87-2.27, specifying that Petitioner failed to provide information as to how she was meeting her rent expense, as well as a letter stating that Petitioner would be required to submit a new application. See Initial Decision at 3; see also Exhibits R-10, R-11.

Following the termination letter of August 16, 2024, but prior to the hearing in this matter, Petitioner submitted a new application on August 29, 2024, and, at that time, Petitioner reported that she began to receive child support payments weekly during August, 2024. See Exhibit R-13. Additionally, Petitioner submitted rent verification on September 9, 2024, which showed that her rent for the month of July, 2024, was paid on July 7, 2024. See Exhibit R-12. Without the benefit of a transcript of the fair hearing before the ALJ, it is unclear as to whether or not Petitioner testified to using any of her resources, such as her bank account, to pay her rent on July 7, 2024, however, the record does reflect that the payment was made on July 7, 2024, prior to Petitioner receiving her paycheck on July 10, 2024. See Exhibit R-12.

Additionally, I have reviewed the Agency's Exceptions, and I find that the arguments made therein, that Petitioner did not satisfy the June 25, 2024, verification request from the Agency regarding how her expenses, specifically payment of her rent, were being met are persuasive, and that an eligibility determination at recertification could not be reached without such information. See N.J.A.C. 10:87-9.1, -10:87-9.2(c)(5). The Agency's Exceptions also state that Petitioner never requested assistance with her recertification application and further that Petitioner was encouraged to reapply, and has been subsequently approved for SNAP benefits following the receipt of all necessary verifications.

Based on the foregoing, I find that the Agency correctly denied Petitioner's application at recertification. The Initial Decision is modified to reflect the above findings and applicable regulatory authority at recertification, specifically N.J.A.C. 10:87-9.1 et seq.

Accordingly, the Initial Decision is hereby MODIFIED, to reflect these findings, and the Agency's determination is hereby AFFIRMED, as outlined above.

Officially approved final version. December 12, 2024

Natasha Johnson
Assistant Commissioner

