



State of New Jersey

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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 **07354-24 D.G.**

AGENCY DKT. NO. **C104962001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

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. Following a telephonic prehearing conference on July 12, 2024, the parties agreed to adjourn the matter to July 17, 2024, and to conduct the hearing via Zoom. On July 17, 2024, the case was conferenced and Petitioner was given time to obtain appropriate documents from Stockton University. On July 29, 2024, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents. The record remained open for submission of summation briefs, and then closed on August 6, 2024, upon receipt of same from Petitioner's counsel. On August 16, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter back to the Agency.

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

The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-6. The ALJ concluded that the Agency had failed to process Petitioner's SNAP benefits application in a timely fashion and in accordance with regulatory authority. See Initial Decision at 4-6. The ALJ further concluded that it had failed to provide a purported December 2023, Request for Contact, and further, after the Agency had issued a Request for Contact, on February 23, 2024, and it then denied Petitioner's SNAP benefits case on February 26, 2024, thereby not giving Petitioner the appropriate 10-days to provide the information and verification it had requested. See Initial Decision at 4-6. Moreover, Petitioner provided the requested documentation to the Agency on March 8, 2024. Id. at 4; see also Exhibit P-1. As such, the ALJ concluded that the Agency's February 26, 2024, denial notice was improper and must be reversed, and the matter remanded to the Agency to complete the processing of Petitioner's SNAP benefits application. Id. at 6. Based on an independent review of the record, I agree. Accordingly, I am remanding this matter back to the Agency for action as follows. The Agency shall evaluate Petitioner's application and submitted documentation for eligibility for SNAP benefits, including the documentation provided by Petitioner on March 8, 2024. 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 December 1, 2023, the effective date of the denial of application. See N.J.A.C. 10:87-8.18; see also Exhibit R-1 at 5-7. 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 in this matter is MODIFIED, the Agency's determination is hereby REVERSED, and the matter is REMANDED back to Agency, as outlined above.

Officially approved final version. October 16, 2024

Natasha Johnson
Assistant Commissioner

