



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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*Commissioner*

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*Lt. Governor*

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 **10502-23 D.P.**

AGENCY DKT. NO. **S950658009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination and closure of her Supplemental Nutritional Assistance Program ("SNAP") benefits case. The Agency terminated, and then closed, Petitioner's SNAP benefits case because the Agency was allegedly unable to locate Petitioner. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was adjourned on two prior occasions, and on April 10, 2024, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing and took testimony. No documents were entered into evidence. On April 15, 2024, the ALJ issued an Initial Decision, reversing the Agency's termination, and remanding the matter back to the Agency for further action.

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 this 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." A Notice of Expiration is to be sent to a SNAP household before the first day of the last month of the household's certification period, but no earlier than the first day of the next to last month of the certification period. See N.J.A.C. 10:87-9.1(b). The Notice of Expiration shall include, amongst other things, the date of certification period is ending, the date by which an application for recertification must be submitted, and the consequences of failing to apply for recertification in a timely manner. See N.J.A.C. 10:87-9.1(c)(1) – (3). Additionally, in order to expedite the recertification process, Agencies are encouraged to send a recertification application, and an interview appointment letter along with the Notice of Expiration. See N.J.A.C. 10:87-9.1(d).

The ALJ in this matter issued a thorough Initial Decision. See Initial Decision at 2-9. Based on Petitioner's credible testimony that she had made herself available for a scheduled SNAP benefits interview on May 15, 2023, and that she had received no calls from the Agency, nor any voicemails left for her from the Agency, and furthermore based on the fact that Petitioner had the same phone number for the past six years, which was on file with the Agency, as well as Petitioner's correct address being on file with the Agency, the ALJ found that the Agency's May 18, 2023, termination



and closure of Petitioner's SNAP benefits case was improper and must be vacated. See Initial Decision 5-6. The ALJ then ordered that the Agency follow certain steps in reaching out to Petitioner, identifying what information/documentation is needed, and providing Petitioner time to provide same, with a determination then to be made as to Petitioner's May 2023 recertification. Id. at 6-7. Based on an independent review of the record, I agree, and direct that if, based on that determination Petitioner is found eligible, Petitioner is to be issued retroactive SNAP benefits to May 2023. See N.J.A.C. 10:87-8.18. Due to the fact that it is now a year later, and due to the lack of any record or substantiating documentation in this matter, it is unclear when the certification period would end, if Petitioner is determined eligible as of May 2023. Therefore, if that certification period would be ending in May or June, 2024, or if it would already have ended, the Agency shall also provide Petitioner with proper notice and opportunity to then reapply for a new certification period prospectively, with any further retroactive benefits to be issued accordingly. The Initial Decision is modified to include these findings.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, and the matter is REMANDED for action, as outlined above.

Officially approved final version. May 15, 2024

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Natasha Johnson  
Assistant Commissioner

