



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 **10632-23 J.B.**

AGENCY DKT. NO. **C083588006 (CUMBERLAND COUNTY BD OF SOC SVCS.)**

Petitioner challenges the Respondent Agency's denial of Supplemental Nutritional Assistance Program ("SNAP") benefits allotment for the month of May, 2023. The Agency denied SNAP benefits for that month, alleging that Petitioner had failed to submit requested documentation necessary to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 1, 2023, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. The record remained open for submission of an additional document from Petitioner. Petitioner sent the document via email later that day, and both the email, and the attached document were marked and put into evidence, and the record then closed. On November 27, 2023, the ALJ issued an Initial Decision, reversing the Agency's denial of Petitioner's May 1, 2023, application for SNAP benefits.

No Exceptions to the Initial Decision were received from either party.

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 hereby ADOPT the Initial Decision, and REVERSE the Agency determination.

The record in this matter reflects that Petitioner submitted an application for SNAP benefits on May 1, 2023. See Initial Decision at 2, 3, 4. Thereafter, on May 8, 2023, the Agency sent Petitioner a Request for Verification. See Initial Decision at 4-5; see also N.J.A.C. 10:87-2.19, -2.20. In response to the Request for Verification, on May 12, 2023, Petitioner submitted documentation, which the Agency advised, showed an erroneous separation date. *Id.* at 5. On that same date, Petitioner contacted her former employer, and a corrected separation letter, with a correct date, was expeditiously provided on that day. *Ibid.*; see also Exhibits P-1 at 1, and P-2 at 2. The ALJ found Petitioner's testimony credible that she had provided the revised separation letter to the Agency by hand delivery, as well as via facsimile. See Initial Decision at 4, 5. The Agency claims that it did not receive the updated separation letter, and therefore denied Petitioner's application for SNAP benefits on May 31, 2023. *Id.* at 3, 4, 5. The record further reflects that the Agency claims that it received a fax copy of the revised separation letter on June 5, 2023, and as a result, approved Petitioner for SNAP benefits effective June 1, 2023. *Id.*



at 5. Based on the totality of the evidence presented, including Petitioner's credible testimony, the ALJ in this matter concluded that Petitioner had provided the Agency with the revised separation letter in a timely manner, and that said letter was inadvertently either lost, misplaced, or misfiled by the Agency. Id. at 7. As such, the ALJ determined that the Agency had improperly denied Petitioner's May 1, 2023, application on May 31, 2023, and that denial must be reversed. Ibid. Based upon an independent review of the record, I agree, and as such, I direct the Agency to provide Petitioner with retroactive SNAP benefits for the month of May, 2023. See N.J.A.C. 10:87-8.18.

Accordingly, the Initial Decision in this matter is ADOPTED, and the Agency's determination is hereby REVERSED.

Officially approved final version. January 10, 2024

Natasha Johnson
Assistant Commissioner

