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Director

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

REMAND DECISION

OAL DKT. NO. HPW 14084-18 Y.S.

AGENCY DKT. NO. C103839015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits, on recertification. The Agency denied Petitioner SNAP benefits, on recertification, contending that Petitioner failed to provide information for previous employers, specifically, letters documenting gross pay details and supporting payroll ledgers. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 2, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On November 16, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency determination, and REMAND the matter to the Agency, as discussed below.

Here, Petitioner submitted a recertification application for continued SNAP benefits on July 20, 2018. See Initial Decision at 2; see also Exhibit R-4. On July 23, 2018, the Agency requested that Petitioner provide verification of income, on school letterhead. See Initial Decision at 2; see also Exhibit R-2. Specifically, the Agency requested that Petitioner provide, among other items, information detailing his gross pay per pay period, and a copy of the employee pay ledger detailing gross payments made to Petitioner for the most recent 12 months. Ibid. The Agency further advised Petitioner that he must provide the requested information by August 2, 2018, or advise the Agency that he needed assistance. Ibid.

On August 9, 2018, Petitioner provided some of the requested information, and advised the Agency that he was unable to obtain all of the documentation requested because some of the schools where he taught were closed. See Initial Decision at 4; see also Exhibit P-H at 2. Petitioner then provided information regarding his income based upon his personal records. Ibid. After Petitioner inquired about the status of his SNAP benefits, the Agency advised Petitioner that more information was required from



him. See Initial Decision at 5. Petitioner later advised the Agency that he was still unable to obtain all of the requested information; but neither Petitioner, nor the Agency, could recall when he relayed this information to the Agency. *Id.* at 5, 7. On August 20, 2018, the Agency confirmed Petitioner's income using records from the New Jersey Department of Labor ("DOL"). *Id.* at 7; see also Exhibit R-5.

On September 7, 2018, Petitioner, while continuing to make efforts to gather additional information, notified the Agency that one of the schools refused to acknowledge in its letter whether Petitioner's pay was gross or net, and that because "he was not a payroll employee, there is no gross or net." *Id.* at 5; see also Exhibit P-H at 1. On September 10, 2018, the Agency denied Petitioner's application for SNAP benefits, on recertification, because he did not provide the adequate letters and payroll ledgers. See Initial Decision at 5; see also Exhibit R-1, and N.J.A.C. 10:87-2.14, -2.19. In its adverse action notice denying Petitioner's application for SNAP benefits, on recertification, the Agency granted Petitioner 30 days to produce the missing information. See Initial Decision at 13; see also Exhibit R-1 at 1. On September 21, 2018, Petitioner provided an additional letter from one of his employers. See Initial Decision at 7, 13; see also Exhibit R-7. The letter did not state Petitioner's gross pay, and Petitioner was still unable to produce any gross pay ledgers. See Exhibit R-7.

The ALJ found Petitioner to be credible when he testified that he explained to the Agency in person, and in writing, the difficulty in obtaining the requested information. See Initial Decision at 9. The ALJ further found that when Petitioner advised the Agency of the problems encountered in obtaining the requested information, the Agency should have endeavored to assist him in his efforts to collect the necessary information, as it had done on August 20, 2018, when it independently verified one of the Petitioner's sources of income by accessing DOL records. *Id.* at 13; see also Exhibit R-5. Based on the record presented, the ALJ determined that the Agency did not satisfy its obligation to assist Petitioner in obtaining the required information. See Initial Decision at 13; see also Exhibit R-2 at 2. Therefore, the ALJ reversed the Agency's determination to deny Petitioner's application for SNAP benefits, on recertification. See Initial Decision at 14; see also Exhibit R-1, and N.J.A.C. 10:87-2.14, -2.19.

While I agree with the ALJ's ultimate conclusion, it should be noted that the Agency did not "terminate" Petitioner's SNAP benefits, as stated by the ALJ, but rather, Petitioner's application for recertification of SNAP benefits was denied. Applicable regulatory authority states that SNAP benefits are approved for a "definite" period of time, or certification period, and at the end of a SNAP benefits recipient's certification period, a new application, interview and verification is required. See N.J.A.C. 10:87-6.20. As such, when the requested information was not provided, the Agency denied Petitioner's application for recertification, and Petitioner's entitlement to SNAP benefits then ceased at the expiration of his certification period. *Ibid.* The Initial Decision is modified to reflect this distinction.

Additionally, this matter is remanded back to the Agency for the Agency to assist Petitioner with completing his recertification application, if Petitioner has encountered any difficulty in obtaining any information, and if Petitioner has relayed those difficulties to the Agency. The Agency shall then reevaluate Petitioner's eligibility for SNAP benefits, and recalculate his SNAP benefits amount, as appropriate.

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

Officially approved final version.

Natasha Johnson
Director

DEC 03 2018

