



State of New Jersey

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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 **05227-22 A.C.**

AGENCY DKT. NO. **C090967006 (CUMBERLAND COUNTY BD OF SOC SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits because Petitioner did not return the requisite Interim Reporting Form ("IRF") in the timeframe required. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 20, 2022, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On July 28, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner on August 8, 2022.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, the ALJ's Initial Decision is hereby ADOPTED, and the Agency determination is AFFIRMED, based on the discussion below.

Households determined eligible for SNAP benefits are certified for said benefits for a definite period of time. See N.J.A.C. 10:87-6.20. County Welfare Agencies ("CWAs") assign the longest certification periods possible based upon the predictability of the household's circumstances. *Ibid.* In households which contain adult members who are all elderly or disabled, the certification period assigned is for up to 24 months, with at least one CWA contact every 12 months. *Ibid.*; see also N.J.A.C. 10:87-9.5(a) (stating that in households which contain all elderly or disabled adults with only unearned income, the certification period is for 24 months, with a 12-month interim contact). In such instances, an IRF is sent to the household at the 12-month interim contact point. See N.J.A.C. 10:87-9.5(a)(3). Furthermore, in all cases, an IRF must be in the recipient's case. See N.J.A.C. 10:87-9.5(a)(3)(i). If the recipient's case closes, a new application must be filed by the household in order to receive SNAP benefits. *Ibid.* The Agency may reinstate a SNAP benefits case only during the 30 days following the effective of ineligibility, without a new application, provided that a completed IRF has been supplied during the 30 day period. See DFD Instruction 12-08-01.



The record in this matter reflects that, in accordance with applicable regulatory authority, on January 3, 2022, shortly before the 12-month point of Petitioner's certification period, the Agency sent Petitioner an Interim Reporting Form ("IRF"), by which Petitioner was to report any changes in income or expenses, and which are utilized in the SNAP benefits calculations. See Exhibit R-1 at 8-10; see also N.J.A.C. 10:87-9.5(a)(3). Here, the IRF clearly specified that the IRF must be returned by February 15, 2022, or Petitioner's SNAP benefits case would close on April 1, 2022. See Exhibit R-1 at 8. When the IRF had not been returned as directed, on February 18, 2022, Petitioner was sent a reminder notice that his IRF had not been received and must be returned within 10 days. Id. at 11. On March 18, 2022, Petitioner was sent a closing notice, indicating that, due to non-receipt of the IRF, his SNAP benefits case would close, effective April 1, 2022, but Petitioner could still return the IRF within 30 days of the case closure. Id. at 2. The notice further stated that, after the 30-day window following the case closure date, Petitioner would need to reapply for SNAP benefits. Ibid. On or about May 5, 2022, Petitioner forwarded a letter via facsimile to the Agency inquiring about his SNAP benefits, and asserting that he had returned "a mailing from Trenton." See Initial Decision at 3; see also Exhibit P-1 at 4.

The ALJ in this matter found that the Agency had carried out its responsibilities to send the IRF, the reminder notice and the closing notice. See Initial Decision at 4; see also N.J.A.C. 10:87-9.5(a)(3). Moreover, I note that applicable regulatory authority requires that an IRF be submitted in all cases. See N.J.A.C. 10:87-9.5(a)(3)(i). The ALJ further found that Petitioner's May 5, 2022, faxed letter to the Agency was outside the 30-day window within which to submit the IRF, and despite Petitioner's assertions that he had returned the mailing, no corroborating evidence was presented to substantiate same. See Initial Decision at 4, 5-6. Based on the foregoing, the ALJ concluded that the termination of Petitioner's SNAP benefits case was proper and must stand. Id. at 6. I agree, and note that Petitioner should reapply for SNAP benefits, if he has already done so.

By way of comment, I have reviewed the Exceptions submitted by Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, while sympathetic to Petitioner's particular circumstances, it is still the responsibility of the SNAP benefits recipient to comply with regulatory requirements with respect to submission of required information and documentation necessary to determine, or continue, SNAP benefits eligibility. I also note that, while eligibility interviews conducted at recertification may occur by telephone, IRFs, sent mid-certification period, as discussed above, are sent via regular mail, and it is the SNAP benefits recipient's responsibility to return same within the required time frame in order to continue SNAP benefits eligibility.

Accordingly, the Initial Decision in this matter is ADOPTED, and the Agency's determination is hereby AFFIRMED, as outlined above.

Officially approved final version.

September 20, 2022

Natasha Johnson
Assistant Commissioner

