



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **03651-22 A.P.**

AGENCY DKT. NO. **C170514003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, contending that he failed to cooperate by not providing documents as requested. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 13, 2022, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for closing briefs, and then closed on August 24, 2022, after receipt of same. On September 14, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision and REVERSE the Agency's determination, based on the discussion below.

On the 30th day [of the date the application was filed], the County Welfare Agency ("CWA") shall send a Notice of Denial to the household giving an additional 30 days to take the required action. If the household takes the required action within 60 days following the date that the application was filed, the CWA shall reopen the case without requiring a new application. See N.J.A.C. 10:87-2.27(e).

Here, the record reflects that on February 24, 2022, Petitioner was approved for SNAP benefits, for the month of February, 2022. See Initial Decision at 2; see also Petitioner Exhibit A. On that same date, the Agency advised Petitioner that his SNAP certification period was ending on February 28, 2022, that he had to apply for SNAP benefits by February 15, 2022, and that he should contact the Agency to schedule his recertification interview. See Petitioner Exhibit A. Also on February 24, 2022, the Agency confirmed with Petitioner's counsel, that it would interview Petitioner before his certification period ended. See Initial Decision at 2, 5; see also Petitioner Exhibit B. Petitioner testified that he was scheduled for a recertification interview with the Agency on March 3, 2022, however, the recertification



interview never took place. See Initial Decision at 4; see also Petitioner's Exhibit D. On March 4, 2022, the Agency requested that Petitioner complete and submit a new application for SNAP benefits, and provide, among other items, one month worth of paystubs. See Initial Decision at 2; see also Petitioner Exhibit E. On March 6, 2022, Petitioner sent an email to the Agency, inquiring as to why the recertification interview never occurred, and also confirming that on March 7, 2022, he would provide the documents requested by the Agency. See Initial Decision at 3; see also Petitioner Exhibit D. On March 9, 2022, the Agency received Petitioner's completed SNAP benefits application dated March 7, 2022, and other supporting documents, but did not include copies of the requested paystubs. See Initial Decision at 3; see also Petitioner Exhibit B. Later, on that same date, Petitioner provided copies of the requested paystubs. See Petitioner Exhibit C. On April 8, 2022, the Agency denied Petitioner's application for SNAP benefits, for allegedly failing to provide the requested paystubs. See Initial Decision at 3; see also Respondent Exhibit C, and N.J.A.C. 10:87-2.27. On or around May 3, 2022, Petitioner requested a fair hearing regarding the denial of his application for SNAP benefits. See Initial Decision at 3; see also Respondent Exhibit D. On May 4, 2022, copies of paystubs the Agency previously requested March 4, 2022, were provided to the Agency, by way of Petitioner's counsel. See Initial Decision at 3; see also Respondent Exhibit E. On May 13, 2022, Petitioner was approved for SNAP benefits, effective May, 2022, through April, 2023. See Initial Decision at 3; see also Respondent Exhibit F.

The ALJ found that Petitioner was not given sufficient time to submit a new SNAP application; specifically, that it was impossible for Petitioner to comply with the Agency's February 15, 2022, deadline to submit a new SNAP application, when he received the Agency's February 24, 2022, notification, advising that he was approved for SNAP benefits for February, 2022. See Initial Decision at 6; see also Petitioner Exhibit A. The Agency contends that the February 24, 2022, notification was to advise Petitioner that his SNAP case was reopened, and that it was issuing benefits for February, 2022. See Petitioner Exhibit F at 1. The ALJ found this contention as not credible. See Initial Decision at 6. The ALJ further found that when Respondent requested additional documents on March 4, 2022, based upon regulatory authority, Petitioner had until May 9, 2022, 60 days following the date the application was filed, to provide the requested documents. See Initial Decision at 7; see also Respondent Exhibit A, and N.J.A.C. 10:87-2.27(e). The ALJ found that the Agency did not provide Petitioner with 30 days after its April 8, 2022, denial letter, to provide the requested documents. See Initial Decision at 7. Accordingly, the ALJ concluded that the Agency's decision to deny Petitioner's SNAP application must be reversed. See Initial Decision at 8; see also Respondent Exhibit C.

While I agree with the ALJ, that the Agency's action in denying Petitioner's application for SNAP benefits must be reversed, based upon an independent review of the record, I find that Petitioner did produce the requested documentation to the Agency, necessary to process his application for SNAP benefits, and he was also subsequently approved for SNAP benefits. See Petitioner Exhibit C. Accordingly, I direct that the Agency issue Petitioner retroactive SNAP benefits for March, 2022, and April, 2022, as his SNAP benefits were terminated through no fault of his own, and are attributed to the actions of the Respondent Agency. See Initial Decision at 7, 8; see also N.J.A.C. 10:87-8.18. The Initial Decision is modified to reflect this finding.

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

Officially approved final version.

December 06, 2022

Natasha Johnson

Assistant Commissioner

