



State of New Jersey

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Governor

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 **09691-21 J.C.**

AGENCY DKT. NO. **C804706007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, due to Petitioner's failure to provide requested documentation necessary to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 20, 2021, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On January 7, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination.

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

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 ADOPT the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency for action, based on the discussion below.

Here, the record reflects that Petitioner submitted an application for SNAP benefits on September 7, 2021. See Initial Decision at 2; see also Exhibit R-1 at 17-25. On September 23, 2021, the Agency purportedly sent Petitioner a written notice, requesting additional documentation which was necessary in order to verify required information contained in Petitioner's SNAP application. See Initial Decision at 2; see also Exhibit R-1 at 1. That notice further stated that if Petitioner needed assistance in obtaining the required documentation, to contact the Agency by October 6, 2021. Ibid. When no documentation was received, and no request for assistance from the Agency having been made, the Agency denied Petitioner's application for SNAP benefits on October 7, 2021. See Exhibit R-1 at 8. While Petitioner states that she received a call from the Agency on September 23, 2021, Petitioner testified that there was no discussion of the required documentation during the call, and Petitioner further stated that she did not receive the written notice. See Initial Decision at 3; see also Exhibit R-1 at 4. The Agency representative at the hearing could not state that the written notice, a SNAP-33 form, had in fact been mailed to Petitioner. See Initial Decision at 2. Finding Petitioner's testimony, that she had not



received the SNAP-33 notice, credible, and no evidence being presented to support the Agency's assertion that the form had, in fact, been mailed, the ALJ vacated the Agency's October 7, 2021, denial of Petitioner's application for SNAP benefits, and directed that the Agency consider Petitioner's original application for SNAP benefits, together with all documentation the Agency currently has in its possession. See Initial Decision 4-6. The ALJ further directed that, if any additional documentation or information is required from Petitioner, the SNAP-33 form shall be sent to Petitioner by regular and certified mail, return receipt requested, and that Petitioner shall have 20 days to provide any such required documentation/information, and thereafter, the Agency shall reevaluate Petitioner's original application for SNAP benefits. See Initial Decision at 6. I agree. See N.J.A.C. 10:87-2.14.

Additionally, I further direct that, if Petitioner is determined to be eligible for SNAP benefits, Petitioner is to be provided with retroactive SNAP benefits to September 7, 2021, the date of her original application. See N.J.A.C. 10:87-8.18. Should Petitioner be denied SNAP benefits based upon the substantive review of her original application, Petitioner may request another fair hearing on that denial.

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

Officially approved final version.

January 21, 2022

Natasha Johnson
Assistant Commissioner

