



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **06968-22 L.S.**

AGENCY DKT. NO. **C215093002 (BERGEN COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of her application for Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, contending that Petitioner had failed to provide requested information and documentation necessary to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A plenary hearing was scheduled for September 1, 2022, before the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"). On August 30, 2022, the OAL was advised that counsel would be representing Petitioner, and an adjournment was requested and granted. Nonetheless, on the originally scheduled date of September 1, 2022, Petitioner called in for a plenary hearing, and after legal counsel was contacted and had joined in the telephone conference, Petitioner stated that she wished to proceed with the hearing, without representation by counsel. As such, the ALJ held the telephonic plenary hearing, took testimony, and admitted documents.

On October 24, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reveals that a Paris match revealed that Petitioner was receiving SNAP in another state, after having been approved for benefits in New Jersey. See Initial Decision at 2. As a result, the Agency closed Petitioner's SNAP case in New Jersey. *Id.* at 2-3. Thereafter, Petitioner reapplied for SNAP benefits on April 21, 2022. See Initial Decision at 3; see also Exhibit R-5. On May 9, 2022, the Agency received an email from an investigator in the other state indicating that Petitioner had an open SNAP case in that other state since March 1, 2022. See Initial Decision at 3; see also Exhibits R-3(b), R-7. As a result, on May 20, 2022, the Agency requested that Petitioner provide a letter from the other state, stating that her SNAP case in that other state was closed. See Initial Decision at 3; see also Exhibit R-8. On May 25, 2022, a representative from the other state contacted the Agency and advised that Petitioner's SNAP case was not closed in the other state, and as such, on May 31, 2022, the Agency denied Petitioner's application for SNAP benefits. See Initial Decision at 3; see also Exhibit R-9. It further appears from the record that Petitioner again applied for SNAP benefits with the Agency, and the Agency again requested written confirmation that Petitioner's SNAP case in the other state was closed. See Initial Decision at 3; see also Exhibit R-13. When such proof was not submitted, on August 20, 2022, the Agency again denied Petitioner SNAP benefits. See Initial Decision



at 3-4. In accordance with N.J.A.C. 10:87-2.19(f), mandatory verification of the residency of an applicant/re-applicant is required for eligibility for SNAP benefits, and duplicate SNAP benefits may not be issued simultaneously in two different states. While Petitioner asserts and maintains that she resides in New Jersey, and is therefore eligible for SNAP benefits in New Jersey, the fact remains that the evidence presented in this matter shows that Petitioner has an open SNAP case in another state, and therefore, SNAP benefits may not be issued in New Jersey until such time as the SNAP case in the other state has been documented as closed. See Initial Decision at 4. Based on the foregoing, the ALJ in this matter concluded Petitioner had not provided any proof or substantiating documentation that the SNAP case was, in fact, closed in the other state, and as such, the Agency's denials for SNAP benefits in New Jersey were proper and must stand. See Initial Decision at 4-5; see also N.J.A.C. 10:87-2.14, -2.19(f), -2.27(e)(1). I agree.

No Exceptions to the Initial Decision were received.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits.

By way of further comment, the Agency should continue to assist Petitioner, to the extent possible, to have her case closed in the other jurisdiction, if it has not already been done.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

December 01, 2022

Natasha Johnson
Assistant Commissioner

