



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 **06118-22 N.G.**

AGENCY DKT. NO. **C074225003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner SNAP benefits, contending that she failed to cooperate with the Agency by not providing documents as requested. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 16, 2022, the Honorable Sarah H. Sargent, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On August 29, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on September 8, 2022.

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 ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination, as discussed 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.* Simplified reporting households consist of earned and unearned income households, with the certification period assigned being for 12 months, with a six month interim contact. *Ibid.*; see also N.J.A.C. 10:87-9.5(a). In such instances, an Interim Reporting Form ("IRF") is sent to the household at the six-month interim contact point. See N.J.A.C. 10:87-9.5(a)(3). The household is required to report a change in gross earned income of \$100 or more on the IRF. See N.J.A.C. 10:87-9.5(a)(2).

Here, the record reflects that in January, 2022, the Agency sent Petitioner an IRF, for December, 2021. See Initial Decision at 2; see also Exhibit R-A. In Petitioner's December, 2021, IRF, she reported that she had been employed at a temporary staffing agency, but was terminated after she developed COVID-19 symptoms. *Ibid.* The Agency, according to its systems, had listed Petitioner earning income from a temporary staffing agency, with a different name than from what Petitioner had listed on her IRF. See Initial Decision at 3; see also Exhibit R-B. Therefore, on March 4, 2022, the Agency requested



that Petitioner provide, within 10 days of the notice, copies of recent consecutive paystubs, and if no longer employed, to provide a copy of a letter of separation. Ibid. Notably, on that same date, the Agency also sent a request for information to the temporary staffing agency it had listed as Petitioner's employer. See Initial Decision at 3; see also Exhibit P-2. Neither Petitioner nor the temporary staffing agency responded to the Agency's March 4, 2022, requests for information and therefore, on March 21, 2022, the Agency notified Petitioner that, effective April 1, 2022, her SNAP benefits would be terminated for failing to provide verification of employment. See Initial Decision at 3; see also Exhibit R-C, and N.J.A.C. 10:87-2.27.

Thereafter, on April 14, 2022, Petitioner provided copies of paystubs dated November 26, 2021, December 3, 2021, December 10, 2021, and December 17, 2021. See Initial Decision at 4; see also Exhibit R-D. On May 27, 2022, the Agency, while acknowledging receipt of Petitioner's paystubs, determined that the paystubs were not dated within the last 30 days, and therefore, could not be used to reopen her SNAP case. See Initial Decision at 4; see also Exhibit R-E. On June 9, 2022, Petitioner requested a fair hearing regarding the termination of her SNAP benefits.

The ALJ found that when Petitioner received the Agency's March 4, 2022, request for information, she was no longer working at the temporary staffing agency, and that Petitioner could not provide copies of recent paystubs within 30 days of the Agency's March 4, 2022, request, because Petitioner had not worked for the temporary staffing Agency since December, 2021, as indicated in her December, 2021, IRF. See Initial Decision at 6, 7; see also Exhibit R-A. The ALJ further found that no separation letter existed to provide to the Agency because the temporary staffing agency had Petitioner's credentials on file, and that she could apply for temporary positions at will. See Initial Decision at 7. The ALJ also found that Petitioner, after receiving the Agency's March 21, 2022, notice to terminate her SNAP benefits, requested a fair hearing with continuing benefits, on March 26, 2022, March 29, 2022, April 4, 2022, and April 5, 2022, but received no response from the Agency. Id. at 6, 7, 8. Lastly, the ALJ found that Petitioner need not to have requested assistance from the Agency in writing, as the Agency's March 4, 2022, notice indicated that it would assist Petitioner in obtaining the requested information, and that Petitioner could respond and clarify the circumstances by telephone, which she, in fact, attempted to do. Id. at 7-8; see also Exhibit R-B. Accordingly, the ALJ concluded that the Agency's decision to terminate Petitioner's SNAP benefits must be reversed, and that the Agency must grant Petitioner SNAP benefits retroactive to April 1, 2022. Ibid.; see also Exhibits P-1, R-C. Based upon an independent review of the record, I agree, as the ALJ in this matter clearly found Petitioner's testimony to be credible and persuasive. I direct that Petitioner be provided with retroactive SNAP benefits from April 1, 2022, to the end of that certification period.

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

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

Officially approved final version.

October 19, 2022

Natasha Johnson
Assistant Commissioner

