



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 **05414-22 N.S.**

AGENCY DKT. NO. **C220362009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, contending that Petitioner failed 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 August 9, 2022, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On August 10, 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 MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Regulatory authority applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3.

In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. In accordance with N.J.A.C. 10:87-6.16(d)(1), households which contain an elderly or permanently disabled individual, as defined by N.J.A.C. 10:87-2.34, must meet the net income test for SNAP eligibility. N.J.A.C. 10:87-6.16(d)(2), states that households that do not contain an elderly or permanently disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4.

Here, the record reflects that Petitioner applied for SNAP benefits on or about February 17, 2022, and on March 1, 2022, the Agency requested additional information in order to determine Petitioner's SNAP benefits eligibility, with a deadline to return said information of March 1, 2022. See Initial Decision



at 2; see also Exhibit R-1. On March 31, 2022, the Agency sent Petitioner an adverse action letter, denying Petitioner's application for SNAP benefits, stating that Petitioner had failed to provide "rental income information." See Initial Decision at 2; see also Exhibit R-2. At the hearing before the ALJ, Petitioner testified that she did not have a tenant, that she resides in a one-family home, and that she had interpreted the Agency's request to provide information to be optional. See Initial Decision at 3. The Agency representative at the hearing reviewed Petitioner's SNAP benefits application, and confirmed that the application itself did not contain any information or indication that Petitioner received rental income. Ibid. Moreover, the Agency further conceded at the hearing that Petitioner had provided all requested information and documentation in the Request for Verification, except for the rental income information. Id. at 2. Based on the foregoing, that there was no indicia by which the Agency should have had a reason to believe that Petitioner had rental income, and that all other requested information had been provided, the ALJ concluded that the Agency's denial of Petitioner's SNAP benefits application was improper and must be reversed. Id. at 4; see also N.J.A.C. 10:87-2.27(e).

While I agree with the ALJ, that there was no indication that Petitioner had any rental income, and that the denial of Petitioner's SNAP benefits application was improper, nonetheless, pursuant to applicable regulatory authority, Petitioner can only be granted SNAP benefits upon a determination that Petitioner is, in fact, eligible for same. See N.J.A.C. 10:87-6.2. Accordingly, I am remanding this matter back to the Agency for action as follows. The Agency shall evaluate Petitioner's eligibility for SNAP benefits as of Petitioner's date of application, February 17, 2022, based upon the information and documentation Petitioner previously provided, including the documentation provided by Petitioner in response to the Request for Verification. The Agency shall expedite the substantive evaluation of Petitioner's application for SNAP benefits, and if Petitioner is determined to be eligible for SNAP benefits, Petitioner is to then be provided with retroactive SNAP benefits to February 17, 2022, the date of application. See N.J.A.C. 10:87-8.18. Should the substantive evaluation result in another denial of SNAP benefits, Petitioner may request another fair hearing on that substantive denial. The Initial Decision is modified to reflect these findings.

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

Officially approved final version.

September 27, 2022

Natasha Johnson
Assistant Commissioner

