



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 **02575-22 V.H.**

AGENCY DKT. NO. **C463203007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 information and documentation necessary to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 28, 2022, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing and took testimony. On May 31, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner on June 13, 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 MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, and REMAND the matter to the Agency for further action, based on the discussion below.

Here, the record reveals that Petitioner applied for SNAP benefits on December 13, 2021. See Exhibit P-1. In accordance with applicable regulatory authority, the Agency requested that Petitioner provide documentation in order to verify her residence and household composition, which are mandatory items, amongst others, needed to determine eligibility for SNAP benefits. See Initial Decision at 2; see also N.J.A.C. 10:87-2.19(f), (i). In response, Petitioner provided a letter from a woman with whom she purportedly resides, as well as a letter addressed to her from a federal government agency. See Initial Decision at 2; see also Exhibit P-1. The Agency asserted that these documents were not sufficient to establish verification of residency, either as a primary source or as a collateral contact, nor did it verify household composition, and on this basis, denied Petitioner's application for SNAP benefits. See Initial Decision at 3, 4; see also N.J.A.C. 10:87-2.19(f), (i) and Exhibit P-1. The ALJ in this matter agreed, and affirmed the Agency's denial of SNAP benefits to Petitioner. See Initial Decision at 4-5; see also N.J.A.C. 10:87-2.19(f), (i).

Based upon an independent review of the record, I disagree with the Agency's assertions and the ALJ's conclusion in this matter. Rather, I find that the letter from the federal government agency,



combined with the collateral source of the letter from the person with whom Petitioner resides, establishes both residency and household composition. See N.J.A.C. 10:87-2.19(f), (i) and N.J.A.C. 10:87-2.22. However, even with residency and household composition being verified, pursuant to applicable regulatory authority, Petitioner can only be granted SNAP benefits upon a determination that Petitioner is, in fact, eligible for same, and there is insufficient evidence presented in the record to determine Petitioner's eligibility. 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 December 13, 2021, application for SNAP benefits eligibility on an expedited basis. If Petitioner is determined to be eligible for SNAP benefits, based on the submitted application and documentation, Petitioner is to be provided with retroactive SNAP benefits to December 13, 2021, the date of her application. See N.J.A.C. 10:87-8.18. Should the Agency deny Petitioner's application on other bases, Petitioner may request another fair hearing on that subsequent substantive denial. The Initial Decision is modified to reflect these findings.

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

Officially approved final version.

June 22, 2022

Natasha Johnson
Assistant Commissioner

