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Commissioner

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 **08300-26 G.H.**

AGENCY DKT. NO. **C375507007** (**ESSEX COUNTY DIVISION OF WELFARE**)

Petitioner challenges the calculation of the total amount of retroactive Supplemental Nutrition Assistance Program ("SNAP") benefits issued to him. Petitioner contends that he should receive retroactive benefits for more than 12 months, back to the date the Agency first erred. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 21, 2026, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow for the submission of additional documentation and closed on July 24, 2026. On August 14, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner on September 14, 2026.

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 MODIFY the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:87-11.12(a), benefits shall be restored for a period of not more than 12 months prior to whichever of the following occurred first: 1. The date the Agency was notified by the household or by another person or agency in writing or orally of the possible loss to that specific household; 2. The date the Agency discovers in the normal course of business that a loss to a specific household has occurred; or 3. The date the Agency receives a request for restoration of lost benefits from a household. Further, an Agency shall restore benefits to a household which were found by any judicial action to have been wrongfully withheld. See N.J.A.C. 10:87-11.12(b). Further, when a court action is a review of an Agency action, benefits shall be restored for a period of not more than 12 months from the earliest of the following dates: 1. The date the County Social Service Agency ("CSSA") received a request for restoration; or 2. If no request for restoration is received, the date the fair hearing action was initiated. Ibid. Importantly, in no case shall benefits be restored for more than one year prior to the date the Agency is notified of or discovers the loss. See N.J.A.C. 10:87-11.12(c) (emphasis added).

N.J.A.C. 10:87-11.15(a) further sets forth how restored benefit amounts are to be calculated such that, after correcting the loss for future months and excluding those months for which benefits may have been lost prior to the 12-month time limits described at N.J.A.C. 10:87-11.12, the Agency shall calculate the amount to be restored.

Here, the record reflects that Petitioner applied, and was approved, for SNAP benefits effective March 16, 2026. See Initial Decision at 2; see also Exhibit R-2. While processing Petitioner's March 2026 application for SNAP benefits, the

Agency discovered that he had previously applied for SNAP benefits in September, 2024, and that, for an unknown reason, his application had never been processed. Ibid.; see also Exhibits P-1, R-4. The Agency conceded their error in not processing the application, and issued retroactive restored SNAP benefits for the months of September, 2024 to August, 2025, in the total amount of $2,132. See Initial Decision at 2; see also Exhibit R-3. Petitioner contended that he should receive retroactive restored benefits from September, 2024 through March, 2026, the date of his most recent SNAP application. See Initial Decision at 2. At the time of the hearing, the Agency representative testified that there is a twelve-month cap on the issuance of retroactive restored SNAP benefits. Ibid. Further, the Agency representative testified that the Agency erred in the months for which retroactive restored benefits were paid, stating that the restored benefits should be calculated twelve months before the notification of error (when the Agency became aware of the error) and request for restoration of benefits, thus, the twelve months of retroactive restored benefits should have indicated they were being issued from March, 2025 to April, 2026. See Initial Decision at 2-3; see also Exhibit R-1.

The ALJ in this matter found that the Agency first received notice of a possible loss of SNAP benefits at the time of Petitioner's new SNAP application in March, 2026. See Initial Decision at 6. The ALJ further found that there are no exceptions, or applicable regulatory authority, which would permit the Agency to provide more than 12 prior months of restored benefits, and that restored benefits may only be provided for a 12-month period prior to the Agency's initial notification of a possible loss of benefits, or when it has discovered that an error had been made, and as such, Petitioner is not entitled to restored benefits for the entire 18-months as claimed by Petitioner. Id. at 6-8; see also N.J.A.C. 10:87-11.12(a)(1), (2), (c), -11.15(a). Based on the foregoing, the ALJ affirmed the Agency's action, finding that it properly determined that a 12-month period of restored SNAP benefits was appropriate, but that said 12-month period was applicable from March, 2025, through April, 2026, which was the 12 months prior to the date the Agency had received notification of the possible loss of Petitioner's SNAP benefits. See Initial Decision 8; see also N.J.A.C. 10:87-11.12(a)(1), (2), (c). I agree.

As the Agency had calculated the restored benefits for the incorrect 12-month time period, and as Petitioner contended that the Agency improperly calculated the retroactive restored benefits amount due to the Agency improperly considering income and failing to deduct allowable expenses, the ALJ concluded that the Agency is to request from Petitioner verified income and expense documentation from March, 2025 to April, 2026, in order to determine if the previously restored retroactive benefits in this matter are correct. See Initial Decision at 5-6, 8. Based upon that information, the ALJ directed that the Agency conduct a re-evaluation, and provide the balance of any difference, if applicable. See Initial Decision at 8. I agree, and direct that the Agency request such information from Petitioner within fifteen days of the date of issuance of this Final Agency Decision and that Petitioner be given fifteen days to respond to the Agency with such information and documentation. The Agency's determination is modified to reflect both the correct 12-month retroactive benefit period, as well as the above directives.

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

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is MODIFIED, as outlined above.

Officially approved final version. October 08, 2026

Natasha Johnson
Assistant Commissioner