



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 6234-15 C.D.

AGENCY DKT. NO. C658302 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of retroactive Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency maintains that Petitioner had not returned all necessary documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 3, 2015, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On June 10, 2015, the ALJ issued her Initial Decision, ordering the Agency to pay Petitioner retroactive SNAP benefits for the months in question, specifically, December 2014, January, February, March and April 2015, and May 1 through May 11, 2015. The ALJ found that after Petitioner was requested to provide a "closing letter" from New York to substantiate that her SNAP case was in fact closed in New York in November 2014, see Exhibit R-2, Petitioner promptly provided the Agency with such documentation. See Exhibit P-1 and P-2. The Agency deemed the information Petitioner provided to be insufficient and denied Petitioner SNAP benefits. See Initial Decision at 2-3; see also Exhibit R-3. Thereafter, in May 2015, Petitioner, with the aid of legal services, provided the Agency with additional documentation and Petitioner was then found eligible to receive SNAP benefits. See Initial Decision at 4; see also Exhibit R-4. The Agency would not provide Petitioner with retroactive benefits for the months in between however. The ALJ noted that the Agency never assisted Petitioner, as required pursuant to regulatory authority, to obtain the necessary documentation and further failed to accept collateral verification in November 2014, which resulted in Petitioner being denied SNAP

benefits for a five and a half month period. See Initial Decision at 3-4; see also N.J.A.C. 10:87-2.22(c)(1). As such, the ALJ concluded that the Agency had improperly denied Petitioner retroactive SNAP benefits for the months at issue and ordered that the Agency provide Petitioner with those retroactive benefits. See *id.* at 4.

No Exceptions to this Initial Decision were filed.

As the Director of the 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 in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is REVERSED.

JUN 22 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director