



## State of New Jersey

### 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 12188-14 D.H.

AGENCY DKT. NO. S432428 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner challenges the Respondent Agency's determination of the effective date for the assistance unit's Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency claimed that Petitioner only provided the Agency with the necessary information needed to determine eligibility on August 28, 2014. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 7, 2014, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On October 8, 2014, the ALJ issued her Initial Decision which reversed the Agency's determination to use an August 28, 2014, date as the effective date for receipt of benefits. See Initial Decision at 5. The ALJ concluded that the delay in obtaining fully sufficient documentation from the employer of Petitioner's husband was due to a third party outside of Petitioner's control and Petitioner should not be held accountable for the third party delay. *Ibid.* (citing N.J.A.C. 10:87-2.27(g)(4)). The ALJ noted that documentation had been received from the employer on two separate occasions in July of 2014, although insufficient for the Agency to determine eligibility. See *id.* at 3, 5. The ALJ concluded that based upon these initial submissions to the Agency by the employer, benefits should be provided retroactive to July 1, 2014, rather than August 28, 2014. See *id.* at 5.

Exceptions to the Initial Decision were filed by the Agency on October 22, 2014. The Agency disagreed with the July 1, 2014, effective date ordered by the ALJ, and asserted that Petitioner would only be eligible for benefits back to the date of Petitioner's filed application, which was July 9, 2014.

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As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and having made an independent review of the record in this matter, I hereby MODIFY the Initial Decision.

The New Jersey SNAP Program, is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87- 1.1(a).

While I concur with the legal analysis of the ALJ in this matter, I disagree with ALJ's conclusion that benefits would be retroactive to the first day of the month in which eligibility was deemed effective. Rather, as correctly stated by the Agency in its Exceptions, benefits will be retroactive to the date of Petitioner's filed application which was July 9, 2014. See N.J.A.C. 10:87-2.13(a)(stating that an applicant is given notice, on the application for benefits, that if determined eligible, benefits are provided from the date of application).

Based upon the foregoing, I hereby MODIFY the Initial Decision, reversing the Agency's determination in this matter and direct that the Agency recalculate Petitioner's SNAP benefits retroactive to July 9, 2014.

OCT 29 2014

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director