



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
Lt Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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

REMAND DECISION

OAL DKT. NO. HPW 4141-15 D.M.

AGENCY DKT. NO. C143114 (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 for a three-month period. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 21, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On April 21, 2015, the ALJ issued his Initial Decision, ordering the Agency to pay Petitioner retroactive SNAP benefits for January, February and March 2015. See Initial Decision at 2. The ALJ's reasoning was that the Agency had never issued a denial or termination letter to Petitioner. *Ibid.* The ALJ stated that for the entire year of 2014, Petitioner received SNAP benefits in varying amounts, the last of which was a \$666.00 payment on December 1, 2014. *Ibid.* Petitioner received no SNAP benefits for January, February, or March 2015 and went to the Agency to find out why. *Ibid.* Petitioner testified that two Agency workers advised her that a mistake was made and that her SNAP benefits would be reinstated. *Ibid.*

No Exceptions to this Initial Decision were filed.

The record in this matter shows that Petitioner was recertified by the Agency in March 2015 for SNAP benefits and received a partial payment of benefits on April 8, 2015 of \$157.00. See Initial Decision at 2; see also Exhibit P-1. Respondent's witness at the hearing provided Petitioner's SNAP payment history to the ALJ. See Exhibit P-1.

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The ALJ found that it was clear from the payment history that Petitioner does in fact qualify for SNAP benefits. See Initial Decision at 2. The only issue unresolvable at the hearing was how much retroactive SNAP benefits Petitioner is entitled to for January, February, and March 2015. Ibid. The ALJ concluded that the Agency must determine the amount of SNAP benefits Petitioner should receive for that time period, and pay them to Petitioner. Ibid. It should be noted that, according to the Agency's notes in Petitioner's file, Petitioner submitted her unchanged SNAP benefits application for 2015 to the Agency on November 6, 2014 but, because of an administrative error, it was not processed.

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 findings of fact and his final conclusion and Order in this matter and hereby ADOPT same. I agree with the ALJ that Petitioner is entitled to retroactive SNAP benefits for January, February, and March 2015. Therefore, as per the ALJ's Order in the Initial Decision, the Agency is instructed to determine the amounts of retroactive SNAP benefits due to Petitioner for January, February and March 2015, and to issue payment of those benefits to her expeditiously.

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

Signed Copy on File
at DFD, BARA

MAY 12 2015

Natasha Johnson
Director