



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 1189-15 T.D.

AGENCY DKT. NO. C105802 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the Respondent Agency's determination of the correct effective date for her Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits upon recertification. The Agency maintains that the proper effective date of Petitioner's SNAP benefits on a late recertification is the date upon which the completed application was received by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 7, 2015, the Honorable Lisa James-Beavers, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. The ALJ left the record open until May 11, 2015, for the submission of any additional documentation by Petitioner, and with no additional submissions, the record then closed on that date.

On May 26, 2015, the ALJ issued her Initial Decision, modifying the Agency's determination to an effective benefits date of September 18, 2014. See Initial Decision at 5-6. The ALJ found that based upon the credible evidence presented, the Agency received Petitioner's application on September 18, 2014, rather than September 19, 2014, as maintained by the Agency. See *id.* at 5.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and the record, and I hereby ADOPT the Initial Decision and MODIFY the Agency's action in this matter.

Having conducted an independent review of the record, I concur with the ALJ's determination in the matter. N.J.A.C. 10:87-6.3(b) states that, "[I]f an application for recertification is submitted after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with N.J.A.C. 10:87-6.2(c)." N.J.A.C. 10:87-6.2(c) then states that, "A household's benefit level for the initial month will be based on the day of the month it applies for benefits."

The record in this matter clearly indicates that Petitioner's fully completed application for recertification was late. See Exhibit R-1 at 12. As such, in accordance with the previously quoted regulatory authority, Petitioner's benefits would then be effective on the day Petitioner's application was received by the Agency. The record further shows that Petitioner's application was date stamped as received by the Agency on September 18, 2014. See Exhibit R-2; see also Exhibit R-1 at 18. As such, I agree with the ALJ that the correct effective date of Petitioner's SNAP benefits in this case is September 18, 2014, and the Agency is directed to provide Petitioner with the appropriate prorated benefits.

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

JUN 01 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director