



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625
(609) 588-2400

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

FINAL DECISION

OAL DKT. NO. HPW 1259-15 V.D.

AGENCY DKT. NO. C365875 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's action reducing his Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. Based upon the record, the Respondent Agency decreased Petitioner's SNAP benefits at the time of recertification from \$771 to \$511 due to the reduction in the household's size as well as earned income received by the household. Because the Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a plenary hearing. On February 23, 2015, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents into evidence and closed the record.

On March 30, 2015, based upon the preponderance of the undisputed evidence, the ALJ issued her Initial Decision affirming the Respondent Agency's action concerning the reduction of SNAP benefits. However, because neither party could produce a notice of the reduction of benefits, the ALJ, in an effort to balance the equities, Ordered the Respondent Agency to restore the Petitioner's SNAP benefits for the months of January through March 2015 and begin the reduction effective April 1, 2015, instead of January 1, 2015.

No exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for the matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact but modify the Conclusions of Law that are contained in the Initial Decision.

In accordance with N.J.A.C. 10:87-6.26, at the time of application approval, based upon the household's circumstances, an eligible SNAP household will receive a benefit certification period ranging from one to twenty-four months. Pursuant to N.J.A.C. 10:87-9.1(a), "[n]o household may participate beyond the expiration of the certification period assigned in accordance with N.J.A.C. 10:87-6.20 without a determination of eligibility for a new period. Households shall apply for recertification and shall comply with interview and verification requirements."

According to the record, the Petitioner testified that at his renewal, he received no notice of the reason for the reduction of his benefits. According to the benefit screen provided by the Respondent Agency (see R-1), the Petitioner's new certification period began effective December 1, 2014, for a period of six months.

Based upon the facts set forth in the record, the Petitioner's change in SNAP benefits occurred as a result of his renewal, or recertification, of SNAP benefits. This means that, at the time of the Petitioner's recertification application, a date which is not reflected in the record, his previous certification period had already expired or was due to expire. As such, I find it inappropriate that the Petitioner should receive restored SNAP benefits past the expiration of the previous certification period. For this reason, I MODIFY the ALJ's Initial Decision concerning the restoration of SNAP benefits for the months of January through March 2015.

The facts concerning the reasons for the Petitioner's change in SNAP benefits were not disputed. Accordingly, the Respondent Agency's action is AFFIRMED.

MAY 21 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director