



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **05139-24 B.K.**

AGENCY DKT. NO. **C204111016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination and closure of his Supplemental Nutritional Assistance Program ("SNAP") benefits case. The Agency terminated, and then closed, Petitioner's SNAP benefits case because Petitioner's certification period had ended and information necessary for the continuation of SNAP benefits, beyond the certification end date, had not been provided. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 30, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On June 25, 2024, the ALJ issued an Initial Decision, affirming the Agency's termination.

Exceptions to the Initial Decision were received from counsel for Petitioner on July 3, 2024.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination, based on the discussion below.

In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income. See N.J.A.C. 10:87-2.19, -2.20.

N.J.A.C. 10:87-6.3(b) states, "If 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. 10:87-9.1 states, "No household may participate [in SNAP] 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." A Notice of Expiration is to be sent to a SNAP household before the first day of the last month of the household's certification period, but no earlier than the first day of the next to last month of the certification period. See N.J.A.C. 10:87-9.1(b). The Notice of Expiration shall include, amongst other things, the date of certification period is ending, the date by which an application for recertification must be submitted, and the consequences of failing to apply for recertification in a timely manner. See N.J.A.C. 10:87-9.1(c)(1) – (3). Additionally, in order to expedite the recertification process, Agencies are encouraged to send a recertification application, and an interview appointment letter along with the Notice of Expiration. See N.J.A.C. 10:87-9.1(d).



In accordance with N.J.A.C. 10:87-9.2(c)(3), “[I]f a household does not submit a new application by the end of the certification period, the [Agency] shall close the case without further action.”

Based on an independent review of the record, on October 2, 2023, an NJ SNAP Notice of Expiration was sent to Petitioner, advising of the required recertification telephone interview on October 12, 2023, and further advising that Petitioner’s SNAP benefits would terminate at the end of November, 2023, unless an application for recertification was submitted by November 15, 2023. See Exhibit R-1. Petitioner completed the telephone interview on October 12, 2023, and following that interview, the Agency sent a Request for Verification to Petitioner, seeking information needed to complete the recertification, specifically, the most recent paystubs for the household and proof of shelter expenses. See Initial Decision at 2; see also Exhibit R-1 and N.J.A.C. 10:87-2.19, -2.20. Petitioner asserts that they then received nothing from the Agency, and that Petitioner then contacted the Agency via email on November 22, 2023, and provided the information to the Medicaid Department. See Initial Decision at 2. It should be noted, however, that the copy of that email in the record for this case reflects an email address for Medicaid recertification and not SNAP. See Exhibit R-1. Furthermore, as correctly stated by the ALJ in this case, SNAP and Medicaid benefits are handled by two separate divisions within the Department of Human Services, and as such, the Agency representative confirmed that the Agency’s SNAP office did not receive the required information, needed to be verified for continuation of SNAP benefits, resulting in the closure of Petitioner’s SNAP benefits case. See Initial Decision at 2-3. Based on the foregoing, the ALJ found that the Agency’s termination and closure of Petitioner’s SNAP benefits case, effective December 1, 2023, due to Petitioner’s failure to provide information, was proper and must stand. See Initial Decision at 4; see also N.J.A.C. 10:87-6.3(b) (noting that if the recertification application is not submitted until after the household’s certification period expires, that the application is then treated as an initial application), -2.19, -2.20. I agree.

By way of comment, I have reviewed the Exceptions filed on behalf of Petitioner and I find that the arguments made therein do not alter my decision in this matter. Moreover, based on the facts presented in this matter, I find that, as no application for recertification was submitted by Petitioner, the Agency acted appropriately in closing Petitioner’s SNAP case without further action. See N.J.A.C. 10:87-9.2(c)(3).

By way of further comment, Petitioner is without prejudice to reapply for SNAP benefits, if he has not already done so, but is reminded that he must comply with all program requirements, including providing all information and documentation requested, in order to determine eligibility.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s determination is AFFIRMED, as outlined above.

Officially approved final version. July 09, 2024

Natasha Johnson
Assistant Commissioner

