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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

REMAND DECISION

OAL DKT. NO. HPW 00772-18 K.P.

AGENCY DKT. NO. C078095012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Agency's case closure and termination of Supplemental Nutrition Assistance Program ("SNAP") benefits on recertification. The Agency closed Petitioner's SNAP benefits case, thereby terminating Petitioner's SNAP benefits on recertification due to her alleged failure to return the Recertification application to the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 9, 2018, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 26, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 record in this matter and the ALJ's Initial Decision and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency determination, and REMAND the case back to the Agency for action as outlined below.

Based on an independent review of the record, it is clear that Petitioner's certification period for SNAP benefits was ending effective October 31, 2017. See Exhibit R-1. It is also clear that Petitioner completed the required telephone interview with the Agency on September 28, 2017, and thereafter was sent a Recertification application by the Agency, together with a list of required items needed for verification. See Exhibit P-1. The record further substantiates that Petitioner returned the requested items needed for verification. See Exhibit R-2. The Agency asserts, however, that Petitioner did not return the necessary Recertification application to the Agency, and it then closed Petitioner's SNAP benefits case on December 15, 2017. Ibid.

The ALJ in this matter found Petitioner's testimony credible that she indeed had returned the Recertification application with the verification items requested by the Agency. See Initial Decision at 6. Petitioner's assertion was further substantiated by Petitioner's copy of the application itself, dated October 27, 2017. See also Exhibit P-2. The ALJ concluded that, while it was possible that Petitioner had inadvertently omitted the Recertification application, it was improbable. See Initial Decision at 6. Accordingly, the ALJ found that the evidence supported Petitioner's assertion that she had, in fact, returned the Recertification application with the verification documents. Ibid. I agree.

The ALJ additionally concluded that the Agency had not advised Petitioner that the Recertification application itself was missing, nor had the Agency done any follow up, or provide any written adverse action notice to Petitioner prior to closing Petitioner's SNAP benefits case. See *id.* at 6-7. I do note that N.J.A.C. 10:87-9.2(c)(3) provides, "If a household does not submit a new [Recertification] application by the end of the certification period, the [Agency] shall close the case without further action." However, given the unique facts presented here, namely, that the verification documents were sent by



Petitioner, and received by the Agency, it does beg the question of why the Agency did not contact Petitioner to inquire of the Recertification application, if it had not been provided as the Agency maintains.

Based on the foregoing facts, the ALJ concluded that the Agency had improperly closed Petitioner's SNAP benefits case, reversed the Agency's case closure and termination of Petitioner's SNAP benefits, and directed the Agency to provide Petitioner with retroactive SNAP benefits to November 1, 2017, the date on which Petitioner's new certification period would have begun. See id. at 7-8.

While I agree that the evidence leads to a conclusion that Petitioner did, in fact, provide the Recertification application to the Agency as asserted, I hereby modify the ALJ's decision that Petitioner be provided SNAP benefits back to the date of her new certification period, November 1, 2017. When a SNAP benefit recipient's certification period ends, entitlement to SNAP benefits also ends. See N.J.A.C. 10:87-6.20. N.J.A.C. 10:87-9.1(a), clearly states that SNAP benefits may not extend beyond the end of a certification period without a new determination for continued SNAP eligibility. While Petitioner may indeed be again eligible for SNAP benefits, the determination of eligibility is made by the Agency. See N.J.A.C. 10:87-2.11.

Therefore, this matter is remanded back to the Agency for a determination of Petitioner's eligibility and benefit level, as appropriate, based on the October 26, 2017, application provided at the hearing, together with the verification documents previously provided to the Agency. The Agency is to expedite this review and determination. If Petitioner is determined eligible, Petitioner shall then receive applicable retroactive SNAP benefits to the beginning of the certification period. See N.J.A.C. 10:87-8.18. The Initial Decision is modified to reflect these findings.

Accordingly, the Initial Decision in this matter is MODIFIED, the Agency's actions are hereby REVERSED, and the matter is REMANDED to the Agency based on the discussion above.

Officially approved final version.

MAR - 1 2018

Natasha Johnson
Director

