



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

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

REMAND DECISION

OAL DKT. NO. HPW 04268-21 S.S.

AGENCY DKT. NO. C027764014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency terminated Petitioner SNAP benefits at recertification, contending that she failed to provide requested verification necessary to determine continued eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 22, 2021, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On September 15, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination.

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

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 MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

In accordance with N.J.A.C. 10:87-2.19(f), mandatory verification of the residency of an applicant/re-applicant is required for eligibility for SNAP benefits.

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."

Here, the record reflects that the end of Petitioner's certification period for SNAP benefits was approaching, and accordingly, the Agency sent Petitioner a request for information necessary for continued eligibility, specifically proof of Petitioner's address. See Initial Decision at 2; see also Exhibit R-2. When the mailing was returned to the Agency as undeliverable, on January 18, 2021, the Agency sent Petitioner a Request for Contact, asking Petitioner to telephone the Agency, and to provide proof



of Petitioner's current address. See Exhibit R-4. When no response was received from Petitioner, and the second mailing was also returned to the Agency, the Agency then terminated Petitioner's SNAP benefits, effective March 1, 2021, for failing to provide the requisite address verification for continued SNAP benefits eligibility. See Exhibit R-5 at 3; see also N.J.A.C. 10:87-2.19(f) and N.J.A.C. 10:87-9.1. The Agency representative at the hearing testified that no follow-up call was made to Petitioner, despite the usual practice to do so for individuals in the recertification process, who had previously been receiving SNAP benefits. See Initial Decision at 4. The ALJ found Petitioner's testimony credible, that she has resided at the same address for some time, that she has experienced problems with her mail in the past, and that, had she received the letters requesting the verification information, she would have timely responded. Id. at 2, 3. Petitioner further confirmed that she received no follow-up telephone call from the Agency to request the information. Id. at 4. Based on the foregoing, the ALJ found that Petitioner's SNAP benefits had been inappropriately terminated, and as such, ordered that Petitioner's SNAP benefits be reinstated retroactive to March 1, 2021. See Initial Decision at 4.

While I agree with the ALJ, that Petitioner's testimony credibly showed that she had no change in address, and further, that no follow-up had been done by the Agency for a recertification applicant, regulatory authority nonetheless mandates that all the required information be evaluated for continued SNAP eligibility. See N.J.A.C. 10:87-9.1. Therefore, I am remanding this matter back to the Agency for action as follows. The Agency shall re-evaluate Petitioner's eligibility for SNAP benefits on an expedited basis. If the Agency needs further information from Petitioner, such as rent, mortgage or medical expenses, to complete said re-evaluation, the Agency shall contact Petitioner via telephone and Petitioner shall provide the requested information to the Agency in an expeditious manner. If Petitioner is determined to be eligible for SNAP benefits, Petitioner is to then be provided with retroactive SNAP benefits to March 1, 2021. See N.J.A.C. 10:87-8.18. Should Petitioner be denied SNAP benefits, based on the substantive re-evaluation, Petitioner may request another fair hearing on that substantive denial. The Initial Decision is modified to reflect these findings.

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

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Officially approved final version.

Natasha Johnson
Assistant Commissioner

