



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **05525-24 A.R.**

AGENCY DKT. NO. **C434448016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutritional Assistance Program ("SNAP") benefits, at recertification. The Agency denied Petitioner SNAP benefits at recertification, contending that Petitioner had failed to provide information and documentation necessary to determine continued eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 13, 2024, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing and took testimony. No documents were entered into evidence. On May 17, 2024, the ALJ issued an Initial Decision, reversing the Agency's termination of SNAP benefits.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, 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 order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income, as well as residence and household composition. See N.J.A.C. 10:87-2.19, -2.20.

In accordance with N.J.A.C. 10:87-9.1(a), "No household may participate [in the SNAP program] beyond the expiration of the certification period...without a determination of eligibility for a new period. Households shall apply for recertification and shall comply with interview and verification requirements."

Initially, I hereby take official notice that the records of this Agency, as well as the filed transmittal in this matter, reflect that the Bureau of Administrative Review and Appeals ("BARA") transmitted this case to the OAL on August 2, 2023. While Petitioner's request for a fair hearing was made in April 2023, and due to a backlog, a four-month delay occurred in transmitting the matter to OAL, it is unclear from the record why the case was not stamped as filed by the OAL until April 29, 2024.

Regardless, it is clear that no documentation was admitted into evidence by the Agency in this matter to support the denial, neither the Request for Verification, or the adverse action notice itself. See Initial Decision at 4. The burden of proof in this case lies with the Agency, to provide evidence to substantiate that the Agency's adverse action was proper. While it does appear, from Petitioner's testimony, that she may not have provided financial documentation needed to determine continued eligibility, nonetheless, the burden of proof has not been met in this case. However, SNAP



benefits may not be issued until eligibility for said benefits has been established. See N.J.A.C. 10:87-2.19, -2.20. Pursuant to applicable regulatory authority, Petitioner can only be granted SNAP benefits upon a determination that Petitioner is, in fact, eligible for same. See N.J.A.C. 10:87-6.20, -9.1(a). The ALJ in this case ordered that the denial of SNAP benefits be reversed, provided that Petitioner provided documentation that her income was within the allowable income limits at the time of recertification, and has not increased since the date of the denial. See Initial Decision at 4. While I agree, because mandatory verification of income is required, I am remanding this matter back to the Agency for action as follows. As it is unclear if Petitioner provided required income verification with her recertification application, if she has not already done so, Petitioner shall submit the missing income documentation to the Agency within 15 days of the date of this Final Agency Decision. The Agency shall evaluate Petitioner's recertification application and all submitted documentation for continued eligibility for SNAP benefits. The Agency shall expedite the substantive evaluation of Petitioner's recertification application and documentation, and if Petitioner is determined to be eligible for SNAP benefits, Petitioner is to then be provided with retroactive SNAP benefits to April 1, 2023. See N.J.A.C. 10:87-8.18. The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits if she has not already done so.

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

Officially approved final version. June 20, 2024

Natasha Johnson
Assistant Commissioner

