



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 **01592-24 B.A.**

AGENCY DKT. NO. **C173334003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, contending that Petitioner failed to provide the Agency with required income and school verification in a timely manner pursuant to N.J.A.C. 10:87-2.27. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a fair hearing. On March 20, 2024, the Honorable Kimberly M. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 3, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on April 4, 2024.

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.

Here, an independent review of the record reflects Petitioner applied for SNAP benefits on October 10, 2023. See Initial Decision at 2. On October 13, 2023, the Agency sent Petitioner a Request for Verification seeking, among other things, a completed financial assistance form, proof of address, mortgage receipt, and utilities bills. *Ibid.*; see also Exhibit R-B. Petitioner submitted a completed Payment of Expenses/Financial Assistance Affidavit on October 24, 2023. See Initial Decision at 2.

On November 8, 2023, the Agency sent Petitioner a Request for Contact form requesting thirty days of recent, consecutive paystubs or a letter of separation and the final paystub from Petitioner's employer. See Initial Decision at 3. The Agency also sought verifications regarding A.A., a member of the household not listed on Petitioner's application for SNAP benefits, and information as to whether A.A. resided in the home. *Ibid.* To that end, the Agency requested student verifications, including loans, grants, scholarships, school expenses, school schedule, and thirty days of paystubs if A.A. did reside in the household. *Ibid.*

On November 27, 2023, the Agency denied Petitioner's application for SNAP benefits, on the basis that she had failed to provide verification of her income, as well as failing to provide requested information pertaining to A.A. See Initial Decision at 3. On December 9, 2023, Petitioner sent information about her separation from her employers and proof of enrollment for A.A. *Ibid.*

The ALJ in this matter found that, while the Agency's November 27, 2023, denial notice cites N.J.A.C. 10:87-2.27, the notice was deficient in that it did not advise Petitioner that she could submit the missing verification information



within 30 days to reopen the application. See Initial Decision at 9. I do note that the notice itself contains a box just below the "denied" box, which does state that if information was provided within 30 days, the application would be reopened. See Exhibit R-E. Moreover, it is clear that Petitioner did provide additional information to the Agency on December 9, 2023, right at the 60 day mark from Petitioner's October 10, 2023, application, which the Agency did not consider. The ALJ concluded that the Agency had not complied with regulatory authority, specifically the provisions of N.J.A.C. 10:87-2.27, and as such, the ALJ reversed the Agency's denial and directed that the Agency continue to process Petitioner's SNAP benefits application. See Initial Decision at 10; see also N.J.A.C. 10:87-2.27(g)(2). I agree with the ALJ's ultimate conclusion, and therefore am remanding this matter back to the Agency. The Agency shall expedite the substantive evaluation of Petitioner's October 10, 2023, application for SNAP benefits, together with documentation submitted on December 9, 2023. Based on that evaluation, if Petitioner is determined to be eligible for SNAP benefits, Petitioner is to then be provided with retroactive SNAP benefits to October 10, 2023, the date of application. See N.J.A.C. 10:87-8.18. Should the substantive evaluation result in another denial of SNAP benefits, Petitioner may request another fair hearing on that substantive denial. The Initial Decision is modified to reflect these findings.

By way of comment, I have reviewed the Agency's Exceptions and I find the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. May 16, 2024

Natasha Johnson
Assistant Commissioner

