



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 11419-24 J.S.

AGENCY DKT. NO. C174545009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination and closure of her Supplemental Nutritional Assistance Program ("SNAP") benefits case. The Agency terminated, and then closed, Petitioner's SNAP benefits case claiming that Agency was unable to locate Petitioner, or verify her address. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 22, 2024, the Honorable Ernest M. Bongiovani, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 24, 2024, the ALJ issued an Initial Decision, reversing the Agency's termination.

No Exceptions to the Initial Decision were received.

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, based on the discussion below.

N.J.A.C. 10:87-9.1(a) 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."

N.J.A.C. 10:87-9.5(j) provides that, "Prior to any action to reduce or terminate a household's benefits within the certification period, the [Agency] shall provide the household timely and adequate advance notice before the adverse action is taken." Additionally, notice will be considered timely "provided it is mailed at least 10 days prior to the date upon which the action becomes effective." See N.J.A.C. 10:87-9.5(j)(1).

Based on an independent review of the record in this matter, I agree with the ALJ in this case that Petitioner was not given adequate notice of the true reason the Agency was seeking to terminate Petitioner's SNAP benefits case. See Initial Decision at 4. As demonstrated by the testimony presented, it clearly was not actually the basis, as stated on the May 23, 2024, notice of "unable to locate and/or verify your residence." Ibid.; see also Exhibit R-1. SNAP benefits recipients are entitled to know the appropriate reason why an adverse action is being taken against their benefits, and such advance notice must reflect that. See N.J.A.C. 10:87-9.5(j). As such, I agree with the ALJ that the Agency's termination of Petitioner's SNAP benefits in this matter was not adequate, and moreover, it also was not timely, as the notice is dated May 23, 2024, to be effective June 1, 2024, which is unmistakably less than 10 days advance notice, in contradiction to regulatory authority, and therefore must be reversed. See N.J.A.C. 10:87-9.5(j)(1); see also Initial Decision at 5. However, Petitioner's SNAP benefits may only be reinstated until the end of the certification period that was in force at the time the Agency sent the adverse action notice. See N.J.A.C. 10:87-9.1(a). Therefore, I direct that Petitioner's SNAP benefits be



restored through the end of the certification period that was in place in May, 2024. Ibid.; see also N.J.A.C. 10:87-8.18. The Initial Decision is modified to reflect these findings, as well as the applicable legal bases.

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

Officially approved final version. November 21, 2024

Natasha Johnson
Assistant Commissioner

