



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 05670-19 C.S.

AGENCY DKT. NO. C297604004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Agency's denial of her Supplemental Nutrition Assistance Program ("SNAP") application. The Agency denied Petitioner's SNAP application due to Petitioner's alleged failure to timely provide information. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 20, 2019, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 28, 2019, 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 ADOPT the ALJ's Initial Decision, REVERSE the Agency determination, and REMAND the matter back to the Agency for further action, as discussed below.

Here, Petitioner applied for SNAP benefits on December 26, 2018. See Initial Decision at 2; see also Exhibit R-1 at 28-46. Petitioner reported that S.M., a member of Petitioner's household, was a business owner. See Exhibit R-1 at 33. On January 16, 2019, the Agency requested that Petitioner provide, no later than January 25, 2019, a copy of S.M.'s 2018 Internal Revenue Service ("IRS") 1040 Schedule C Form. See Initial Decision at 2, 3; see also Exhibit R-1 at 22-25, 33, and N.J.A.C. 10:87-5.4(a)(3), -2.19. The Agency did not receive the requested information from Petitioner, and on January 25, 2019, notified Petitioner that her application for SNAP benefits had been denied, effective December 26, 2018. See Initial Decision at 2; see also Exhibit R-1 at 18-21, and N.J.A.C. 10:87-2.27(c)(3).

On February 12, 2019, Petitioner provided a PayPal business account statement detailing S.M.'s "profits and losses for his business." See Initial Decision at 3, see also Exhibit R-1 at 16-17. Because Petitioner provided the information within 30 days of the January 25, 2019, notice denying her application for SNAP benefits, her application was reopened. See Initial Decision at 3; see also N.J.A.C. 10:87-2.27(e)(1)(ii). Thereafter, the Agency notified Petitioner that the information supplied on February 12, 2019, was insufficient to determine S.M.'s self-employment wages. See Initial Decision at 3. On February 25,



2019, Petitioner provided S.M.'s 2018 IRS 1040 Schedule C Form. Ibid.; see also Exhibit R-1 at 6-8. The Agency testified that, pursuant to N.J.A.C. 10:87-2.27(e), Petitioner was required to provide S.M.'s IRS 1040 Schedule C Form, no later than February 23, 2019, which is 60 days from the date of Petitioner's application. See Initial Decision at 4. As a result, because Petitioner purportedly submitted the requested information outside of the regulatory timeframe, the Agency denied Petitioner's application for SNAP benefits on April 17, 2019. Ibid.; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:87-2.27(e).

The ALJ found that because February 23, 2019, was a Saturday, the deadline for Petitioner to submit the requested information would be extended to the following Monday, February 25, 2019. See Initial Decision at 5. As Petitioner submitted the documentation on February 25, 2019, the ALJ concluded that she had met the 60-day time frame required by N.J.A.C. 10:87-2.27(e). Ibid.; see also N.J.A.C. 1:1-1.4. Accordingly, the ALJ reversed the Agency's determination that Petitioner's application for SNAP benefits be denied, and remanded the matter back to the Agency in order to determine Petitioner's eligibility for SNAP benefits. See Initial Decision at 5; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:87-2.27(e). I agree.

By way of comment, Petitioner is advised that this decision does not guarantee eligibility for SNAP benefits. Further, as the ALJ found that Petitioner failed to provide S.M.'s IRS 1040 Schedule C Form on or before January 25, 2019, Petitioner is also advised that she will not eligible for SNAP benefits beginning December 26, 2018, the date of application, through January 25, 2019, but rather, any entitlement to SNAP benefits, if eligible, will be effective January 26, 2019. See Initial Decision at 4; see also N.J.A.C. 10:87-2.27(e)(1).

By way of further comment, should the evaluation for SNAP eligibility result in a denial of said benefits, Petitioner may request another fair hearing on that denial.

Accordingly, the Initial Decision in this matter is ADOPTED, the Agency's actions are hereby REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version. **JUL 11 2019**

Natasha Johnson
Director

