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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 16913-18 C.S.

AGENCY DKT. NO. C412117004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of her Supplemental Nutrition Assistance Program ("SNAP") benefits, on recertification. The Agency terminated Petitioner's SNAP benefits, due to Petitioner's failure to provide information, specifically, by not completing her November 2018 recertification. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The first scheduled hearing date was adjourned due to Petitioner not having received notification in advance and having prior scheduled commitments. On January 29, 2019, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On February 5, 2019, the ALJ issued an Initial Decision reversing the Agency's determination. The record reflects that on April 5, 2018, the Agency notified Petitioner that it had approved her recertification application for SNAP benefits, and that she would begin receiving \$173 in monthly SNAP benefits, beginning May 1, 2018. See Initial Decision at 2; see also Exhibit R-1 at 5-8. On that same date, the Agency advised Petitioner that her SNAP benefits would end on October 31, 2018, unless she filed a recertification application for SNAP benefits prior to that date. Ibid. Petitioner testified that on November 6, 2018, she attempted to make a purchase using her SNAP benefits, but that purchase was declined due to insufficient funds. See Initial Decision at 4; see also Exhibit P-1 at 3.

On November 9, 2018, Petitioner requested a fair hearing on the basis that she should have received a SNAP benefit for November 2018. See Initial Decision at 4; see also Exhibit P-1 at 2, 4-5. Thereafter, on November 21, 2018, the Agency left a voicemail informing Petitioner that she was scheduled for a November 26, 2018, interview at the Agency. See Initial Decision at 3; see also Exhibit R-1 at 24. Petitioner did not appear for the interview, and on November 30, 2018, she called the Agency to reschedule her appointment. Ibid. On December 4, 2018, Petitioner appeared at the Agency for her recertification interview, but was advised that she must file a new application for SNAP benefits because her case was closed for more than 30 days. Ibid. On January 2, 2019, the Agency approved Petitioner's application for SNAP benefits for the period beginning January 1, 2019, through November 2019. See Initial Decision at 3; see also Exhibit R-1 at 1-4. The notification further advised Petitioner that no SNAP



benefits would be provided for December 2018. Ibid. The notification letter did not refer to any SNAP benefits for November 2018. Ibid.

The ALJ found, and the Agency acknowledged, that the Agency had erred when it did not send, prior to October 31, 2018, a recertification meeting notice to Petitioner. See Initial Decision at 5; see also N.J.A.C. 10:87-9.1(d). The ALJ also found that it was the Agency's error which resulted in a delay in the processing of Petitioner's recertification for SNAP eligibility for the month of November 2018. See Initial Decision at 8; see also N.J.A.C. 10:87-2.27(c)(5), -(g)(1)(i). Based on the record presented, the ALJ ordered the Agency to reevaluate Petitioner for SNAP benefits for November 2018, and to render a written determination. See Initial Decision at 8. I agree, as it is through no fault of Petitioner's that her recertification process was delayed, and her case closed. As such, she is entitled to any retroactive SNAP benefits for which she would have been eligible, had the Agency not erred. See N.J.A.C. 10:87-8.18, -11.11. Therefore, I am remanding this matter to the Agency to reevaluate Petitioner's eligibility for SNAP benefits for November 2018, as if her recertification had timely occurred at that time, and to issue retroactive benefits, as applicable. Ibid.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, the transmittal in this matter indicates an additional contested issue regarding a termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. However, at the hearing, Petitioner confirmed that she was no longer contesting the termination of her WFNJ/GA benefits. See Initial Decision at 1, 2. Therefore, that issue is not addressed in this Final Decision.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is REVERSED, and the matter is remanded to the Agency, based on the discussion above.

Officially approved final version.

Natasha Johnson
Director

FEB 26 2019

