



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

REMAND DECISION

OAL DKT. NO. HPW 12543-19 I.O.

AGENCY DKT. NO. C670925007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, contending that he failed to cooperate with the Agency in processing his application for SNAP benefits, specifically, by not providing documents as requested by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 25, 2019, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties to submit additional documentation and then closed. On October 2, 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 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, as discussed below.

Here, the record reflects that on July 24, 2019, Petitioner applied for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at 9-26. On July 29, 2019, the Agency requested that Petitioner provide, among other items, copies of his most recent paystubs, and proof of his child's enrollment in school. See Initial Decision at 2; see also Exhibit R-1 at 27. Petitioner testified, however, that he never received the July 29, 2019, request for information. See Initial Decision at 2. The ALJ found that there was no proof that the July 29, 2019, request for additional information was ever mailed by the Agency, or received by Petitioner. Ibid. On August 22, 2019, the Agency telephoned Petitioner, and again requested copies of his most recent paystubs, proof of his child's enrollment in school, and a copy of a utility bill. Ibid.; see also Exhibit R-1 at 40. On August 23, 2019, Petitioner provided copies of the requested documents to the Agency. See Initial Decision at 2; see also Exhibit R-1 at 28-29, 32, 33, 40. Thereafter, on August 26, 2019, the Agency notified Petitioner that it had denied his application for SNAP benefits for failing to provide the requested documentation. See Initial Decision at 3; see also Exhibit R-1 at 2-7, and N.J.A.C. 10:87-2.27(e). The Agency further advised Petitioner that his case would be reopened, without



a new application for SNAP benefits, if he provided the requested documents within 30 days. Ibid.; see also N.J.A.C. 10:87-2.27(e)(1)(ii).

The ALJ found Petitioner to be credible when he testified that he provided the requested information to the Agency as soon as it was requested. See Initial Decision at 3. The ALJ further found that the Agency had, in fact, received the documentation it had requested from the Petitioner, because it was included in the fair hearing packet. Ibid.; see also Exhibit R-1 at 28-39. Based on the foregoing, the ALJ concluded that the Agency's decision to deny Petitioner's application for SNAP benefits must be reversed, and that the Agency grant Petitioner SNAP benefits retroactive to the date of his July 24, 2019, application. See Initial Decision at 4.

While I agree with the ALJ, that Petitioner provided the requested documentation to the Agency, pursuant to applicable regulatory authority, Petitioner can only be granted SNAP benefits upon a determination that Petitioner is, in fact, eligible for same. See Exhibit R-1 at 9-26; see also N.J.A.C. 10:87-6.2. Accordingly, I am remanding this matter back to the Agency for action as follows. The Agency shall reevaluate Petitioner's eligibility for SNAP benefits as of July 24, 2019, based upon the documentation which he was requested to provide to the Agency, and which he did, in fact, provide, as demonstrated by the record in this matter. If Petitioner is determined to be eligible for SNAP benefits, based on the submitted documentation, Petitioner is to be provided with retroactive SNAP benefits to July 24, 2019, the date of his application. See N.J.A.C. 10:87-8.18. The Initial Decision is modified to reflect these findings.

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

Officially approved final version.

OCT 24 2019

Natasha Johnson

Assistant Commissioner

