



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 16858-18 M.J.

AGENCY DKT. NO. C712583007 (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 she failed to cooperate with the Agency in processing her application for SNAP benefits, specifically, by not providing copies of paystubs as requested by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 13, 2018, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Petitioner submitted written closing arguments on December 21, 2018, and the Agency submitted its written closing statement on December 28, 2018, at which time, the record then closed. On January 7, 2018, 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 Petitioner stopped working on June 27, 2018, due to her autistic child suffering a traumatic brain injury, requiring her to stay with him during his hospitalization and while at home. See Initial Decision at 2; see also Exhibit P-1 at 15, 17-21. Petitioner returned to work with a start date of September 1, 2018. See Initial Decision at 3; see also Exhibit P-1 at 16. On October 29, 2018, Petitioner submitted an application for SNAP benefits. See Initial Decision at 2. During the application process, the Agency requested that Petitioner provide paystubs for the week of September 27, 2018. *Id.* at 3. Petitioner testified that she advised the Agency that she did not have a paystub for that week, and instead provided paystubs from April 2018, through June 2018, and part of September 2018. *Ibid.* Notably, none of the paystubs for those months were submitted into evidence. *Ibid.* Thereafter, the Agency notified Petitioner that it had denied her application for SNAP benefits, effective October 29, 2018, for failing to provide a pay stub for the week of September 27, 2018, and gave her 30 additional days to provide said paystub. *Ibid.*; see also Exhibit P-1 at 10-14,



and N.J.A.C. 10:87-2.27(e)(1). Petitioner never provided the requested paystub, and as a result, the Agency again notified Petitioner that she was ineligible to receive SNAP benefits, effective December 1, 2018, because she failed to cooperate with the Agency by not providing the requested paystub. See Initial Decision at 3; see also Exhibit P-1 at 1-2, and N.J.A.C. 10:87-2.27.

The ALJ found that the Agency had failed to provide Petitioner with any meaningful assistance in completing her application, and that it never attempted to assess whether Petitioner was eligible for SNAP benefits during the months of July 2018, through September 2018. See Initial Decision at 4; see also N.J.A.C. 10:87-2.22(c)(1). The ALJ further found that the Agency could have conducted an investigation with the Department of Labor ("DOL") to determine whether Petitioner had earnings for September 27, 2018. 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 it should reevaluate Petitioner's eligibility for SNAP benefits, from the time of her October 29, 2018 application for said benefits, as well as retroactively to the time when Petitioner became unemployed and had no income, July 2018, through September 2018. See Initial Decision at 5.

While I agree with the ALJ, that the Agency did not assist Petitioner in completing her SNAP application, I find that pursuant to applicable regulatory authority, Petitioner can only be considered for SNAP benefits eligibility retroactive to the date of her application, October 29, 2018. Id. at 4-5; see also N.J.A.C. 10:87-6.2. Petitioner cannot be considered for SNAP benefits eligibility prior to that date, as ordered by the ALJ, without an application having been previously submitted during that time frame. Id. at 5; see also N.J.A.C. 10:87-6.2.

Additionally, I hereby take office notice of the fact that the records of this office indicate that SNAP benefits were, in fact, issued to a household, consisting of Petitioner's husband and Petitioner's two children, through October of 2018, after which, the case was closed in November 2018. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). The records further establish that benefits were, in fact, utilized during the issued months. As it appears from the record that Petitioner's husband has been residing out of the country since sometime in late 2017, it calls into question who has been using the SNAP benefits, as well as if Petitioner's husband was entitled to the amount of SNAP benefits issued, with his children on the case, if they were no longer residing with him.

Accordingly, I am remanding the matter back to the Agency for action as follows. First, the Agency shall reevaluate Petitioner's eligibility for SNAP benefits retroactive to October 29, 2018, the date of her application, and to assist her in completing that reevaluation process. See N.J.A.C. 10:87-2.22(c)(1). Petitioner is advised to timely provide all requested documentation. See N.J.A.C. 10:87-2.14. Additionally, if applying for SNAP benefits for herself, as well as her children, Petitioner will need to show that the children are rightfully residing with her, and not with Petitioner's husband. Second, the Agency is to investigate whether Petitioner's husband was, in fact, entitled to the SNAP benefits that were issued to him from the time of his last recertification, until the time the case closed, as well as who was utilizing said benefits, and take whatever action may be deemed necessary therefrom. 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.

JAN 1 2018

Natasha Johnson
Director

