



State of New Jersey

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Governor

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 07611-20 T.W.

AGENCY DKT. NO. C133597013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of his Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency asserts that Petitioner's SNAP benefits were terminated due to a failure to provide requested information. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On September 11, 2020, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On October 6, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination and ordering the Agency to provide Petitioner with continued SNAP benefits.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision and REVERSE the Agency determination, based on the discussion below.

N.J.A.C. 10:87-9.1 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."

Here, the Initial Decision states that, on the day of the hearing, while the Agency claimed to have forwarded their file to the OAL, the ALJ indicated that nothing had been received, and as such, the Agency representative presented no documentation or testimony to support the Agency's termination of Petitioner's SNAP benefits. See Initial Decision at 2. Petitioner maintained that he had forwarded the requested documentation at the time it was requested, and again sent same just before the hearing. Ibid. The Agency, however, asserted that it had only received said information on the eve of the hearing. Ibid. An initial review by the Agency of the submitted documentation purportedly supports Petitioner's eligibility for SNAP benefits. Ibid. Based on Petitioner's representation that he had complied with the request for the verification documentation when it was first requested, the ALJ found that Agency had improperly terminated Petitioner's SNAP benefits, reversed the Agency's action and directed that



the Agency provide Petitioner with continued benefits. Id. at 2-3. Based on the lack of a record to support the Agency's action in this matter, I find that the Agency failed to meet its burden of proof, and therefore agree with the ALJ's conclusion.

Accordingly, the Initial Decision is ADOPTED, and the Agency action is hereby REVERSED.

Officially approved final version.

OCT 27 2020

Natasha Johnson

Assistant Commissioner

