



## State of New Jersey

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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 **06523-25 H.E.**

AGENCY DKT. NO. **C215921009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutritional Assistance Program ("SNAP") benefits, at recertification. The Agency denied Petitioner SNAP benefits at recertification, contending that Petitioner had failed to provide information and documentation necessary to determine continued eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On June 26, 2025 the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing and took testimony. No documents were entered into evidence. On June 30, 2025, the ALJ issued an Initial Decision, reversing the Agency's termination of 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 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, based on the discussion below.

In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income, as well as residence and household composition. See N.J.A.C. 10:87-2.19, -2.20.

In accordance with N.J.A.C. 10:87-9.1(a), "No household may participate [in the SNAP program] beyond the expiration of the certification period...without a determination of eligibility for a new period. Households shall apply for recertification and shall comply with interview and verification requirements."

Here, Petitioner, a SNAP benefits recipient for approximately one year, submitted a SNAP recertification application to the Agency on February 4, 2025. See Initial Decision at 2. Petitioner was advised by an Agency representative, at that time, that in approximately two weeks she would receive a letter detailing any documents the Agency required for determination of her continued eligibility for SNAP benefits. Ibid. Petitioner testified that she was informed not to send any documentation to the Agency until receipt of the letter informing her of the specific documentation she was required to submit. Ibid. Approximately two weeks after the submission of her recertification application, Petitioner testified that she phoned the Agency and told the representative that she had not received a letter detailing the documents required to complete the review of her recertification application. Ibid. The Agency representative informed Petitioner not to send any documents until she received the Agency letter. Ibid. Petitioner testified that she never received any letter from the Agency detailing the supporting documentation required for her recertification application. Ibid. Rather, Petitioner received a Notice dated March 6, 2025, that her SNAP benefits would terminate effective March 1, 2025, for failure to



provide information in relation to her recertification application. Ibid. At the time of the hearing, the Agency representative testified that the procedure described by Petitioner was accurate and acknowledged that the Agency had no evidence that Petitioner ever received a letter detailing the documentation she was required to supply to the Agency. See Initial Decision at 3.

It is clear that no documentation was admitted into evidence by the Agency in this matter to support the denial, neither the Request for Verification, nor the adverse action notice itself. See Initial Decision at 3. The burden of proof in this case lies with the Agency, to provide evidence to substantiate that the Agency's adverse action was proper. The burden of proof has not been met in this case. However, SNAP benefits may not be issued until eligibility for said benefits has been established. See N.J.A.C. 10:87-2.19, -2.20. Pursuant to applicable regulatory authority, Petitioner can only be granted SNAP benefits upon a determination that Petitioner is, in fact, eligible for same. See N.J.A.C. 10:87-6.20, -9.1(a). The ALJ in this case concluded that the Agency failed to provide the Petitioner with a Notice of Required Verifications and ordered that the denial of SNAP benefits be reversed. See Initial Decision at 3-4; see also N.J.A.C. 10:87-2.27(c)(3). While I agree, because mandatory verification of income is required, I am remanding this matter back to the Agency for action as follows. The Agency shall review the recertification application of Petitioner from February 4, 2025, and provide Petitioner with a Notice of Required Verifications within 15 days of the date of this Final Decision. The Agency shall evaluate Petitioner's recertification application and all submitted documentation for continued eligibility for SNAP benefits. The Agency shall expedite the substantive evaluation of Petitioner's recertification application and documentation, and if Petitioner is determined to be eligible for SNAP benefits, Petitioner is to then be provided with retroactive SNAP benefits to March 1, 2025. See N.J.A.C. 10:87-8.18. Should Petitioner fail to provide submit documentation as requested by the Agency, then the denial shall stand as issued. The Initial Decision is modified to reflect these findings.

By way of comment, if Petitioner's recertification application is denied for substantive reasons, Petitioner is without prejudice to request a fair hearing on such denial.

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

Officially approved final version. July 16, 2025

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Natasha Johnson  
Assistant Commissioner

