



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 **08150-24 J.D.**

AGENCY DKT. NO. **C306446007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of her April 4, 2023, application for Supplemental Nutritional Assistance Program ("SNAP") benefits. In June 2024, Petitioner requested an emergency fair hearing, which request was denied. Thereafter, because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On November 7, 2024, the Honorable R. Tali Epstein, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. At the conclusion of the hearing, the record was held open until the end of the day for further submissions and then closed. On November 25, 2024, the ALJ issued an Initial Decision, affirming the Agency's denial, and dismissing Petitioner's appeal due to her untimely filing.

The New Jersey SNAP Program is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87- 1.1(a). In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. In addition, pursuant to N.J.A.C. 10:87-8.5(a), "[A] household may request a hearing on any action by the [Agency] or loss of benefits which occurred in the prior 90 days...[h]owever, if the household establishes that its failure to make the request within the advance notice period was for good cause, the [Agency] shall reinstate the benefits to the prior basis." Ibid.

Based on the record presented, Petitioner applied for SNAP benefits on April 4, 2023, however, she did not submit any supporting documents at the time of her application. See Initial Decision at 2; see also Exhibit R-1. In July 2023 and December 2023, Petitioner inquired as to the status of her SNAP application with the Agency. See Initial Decision at 3. On December 15, 2023, Petitioner went in person to the Agency with the documentation necessary to complete her SNAP application and upon receipt of same, the Agency was able to process her application. Ibid. On December 27, 2023, the Agency determined Petitioner was ineligible for SNAP benefits and issued a denial letter dated January 4, 2024. Id. at 2; see also Exhibits R-3 and R-4. The SNAP denial was made pursuant to N.J.A.C. 10:87-2.2, which defines a household for purposes of SNAP eligibility, and informed Petitioner of her right to request a fair hearing and the time within which such request must be made. See Initial Decision at 4; see also Exhibit R-3.

In May 2024, Petitioner contacted the Agency regarding her SNAP denial and was informed that the time to request a fair hearing had elapsed, but that she could submit a new SNAP application. See Initial Decision at 4. Petitioner never submitted a new SNAP application. Ibid. During June 2024, Petitioner sought counsel to represent her and requested an emergent fair hearing to challenge the January 4, 2024, denial of her SNAP benefits application, as well as payment of retroactive payments to the date of her April 4, 2023, SNAP application. Ibid. The emergent fair hearing request was denied, and the matter was scheduled for a non-emergent fair hearing on November 7, 2024. Ibid. At the time of the hearing, the ALJ found Petitioner's testimony that she did not receive the SNAP denial letter, dated January 2024,



until May 2024, to be incredible and that the mailing envelope submitted by Petitioner following the hearing was of no evidentiary value. See Initial Decision at 5, 6. The ALJ found that more than 90 days had elapsed from the Agency action in January 2024, to when Petitioner requested a Fair Hearing during June 2024. Ibid. Therefore, the ALJ concluded that Petitioner's appeal was untimely, in accordance with N.J.A.C. 10:87-8.5, and concluded that Petitioner's appeal should be dismissed. Ibid. I agree.

The ALJ further concluded that, even if Petitioner's appeal was not barred by the untimely filing of her appeal, that the Agency's action in denying her SNAP application should be affirmed. See Initial Decision at 6. Here, the record reveals that Petitioner did not submit the documentation necessary to process her SNAP application until nine months after the online submission of her application. Ibid. In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income. See N.J.A.C. 10:87-2.19, -2.20. Without said verification of required information, SNAP eligibility cannot be determined or granted. Ibid. Following presentation of testimonial and documentary evidence in this case, the ALJ concluded that Petitioner had not provided the requested information required to be verified to determine eligibility, and as such, the Agency's denial of SNAP benefits to Petitioner was also proper and must stand. See Initial Decision at 6; see also N.J.A.C. 10:87-2.19, -2.20. I also agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, Petitioner is without prejudice to reapply for SNAP benefits, but must timely provide all information and documentation requested in order to determine eligibility.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. January 15, 2025

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Natasha Johnson  
Assistant Commissioner

