



## State of New Jersey

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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 **00017-25 Y.K.**

AGENCY DKT. NO. **C106499015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals the Respondent Agency's termination of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency terminated Petitioner's SNAP benefits at recertification, due to Petitioner's failure to timely provide requested documentation necessary to determine continued eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The initial hearing date of February 21, 2025, was adjourned to allow Petitioner an opportunity to seek legal counsel. On the rescheduled hearing date of March 18, 2025, Petitioner advised the OAL that he contacted Legal Services, but that Legal Services could not be prepared in time for the hearing. Also on that date, Petitioner, for the first time, requested that the Agency provide its call log, and a copy of Petitioner's complete file. The Administrative Law Judge ("ALJ") adjourned the March 18, 2025, hearing. On the rescheduled hearing date of April 7, 2025, the Honorable Advia Knight Foster, ALJ, held a telephonic plenary hearing, took testimony and admitted documents. On April 9, 2025, Petitioner submitted additional documentation, and the record closed that day. On April 15, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination, concluding that Petitioner's SNAP benefits were improperly terminated, and ordering the Agency to provide Petitioner an additional 30 days to submit requested documentation to the Agency.

Exceptions to the Initial Decision were filed by the Agency, on April 17, 2025.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the record in this matter and I hereby REJECT the Initial Decision, and AFFIRM the Agency determination.

Regulatory authority applicable to a SNAP household recertification for SNAP benefits states that "[n]o household may participate 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." See N.J.A.C. 10:87-9.1(a).

Further, N.J.A.C. 10:87-9.1(h) states, "Information provided by the household shall be verified in accordance with N.J.A.C. 10:87-2.19 and 2.20. The CSSA shall provide the household a notice of required verification as provided at N.J.A.C. 10:87- 2.22(d)3, and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 calendar days to provide required verification information." (emphasis added).

Finally, N.J.A.C. 10:87-9.2(c)(5) states, in pertinent part, "A household which submits an application by the filing deadline but neither appears for an interview scheduled after the application has been filed, nor submits verification within the



required time frame, shall lose its right to uninterrupted benefits. The CSSA shall deny the household's recertification application at the end of the last month of the current certification period.” (emphasis added).

Here, the record reflects that on July 3, 2024, Petitioner submitted a recertification application for continued receipt of SNAP benefits. See Initial Decision at 2; see also Exhibits P-1 at 20-28, R-3. By notice dated August 1, 2024, in a Request for Contact, the Agency requested that Petitioner provide, among other items, third-party verification items such as paystubs, bank statements, a letter from his employer, and signed and dated statements detailing how Petitioner planned to maintain his monthly expenses. See Initial Decision at 2-3; see also Exhibit R-2. The August 1, 2024, Request for Contact, also advised Petitioner that he had 10 days from the date of the notice, to provide the requested documents. Ibid. Thereafter, on August 5, 2024, the Agency approved Petitioner for SNAP benefits for a one-month period, beginning August 1, 2024, through August 31, 2024, but reminded Petitioner that, as per the August, 1, 2024, Request for Contact, he was still required to timely return all of the requested information to the Agency. See Initial Decision at 3; see also Exhibit R-1 at 3-4. Ibid. Petitioner did not provide all of the documents the Agency had requested, which were necessary to determine Petitioner's eligibility for continued SNAP benefits and as such, by notice dated August 16, 2024, the Agency terminated Petitioner's SNAP benefits, effective September 1, 2024. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:87-9.1(h), -9.2(c)(5).

The ALJ found that Petitioner's SNAP benefits were improperly terminated by the Agency, as Petitioner never refused to cooperate with the Agency, and that by providing some of the documents the Agency had requested, Petitioner had demonstrated substantial cooperation and compliance. See Initial Decision at 5; see also Exhibit R-4, and N.J.A.C. 10:87-2.15, -2.16. The ALJ ordered that Petitioner be granted a 30-day period, retroactive to September 1, 2024, to submit the requested information, and that, if found eligible, Petitioner be provided prorated SNAP benefits from that date. See Initial Decision at 5.

Based upon an independent review of the record, I respectfully disagree with the ALJ, and therefore, REJECT the Initial Decision, for the following reasons. First, the ALJ does not apply the correct regulatory authority, N.J.A.C. 10:87-9.1, et seq, utilized in a recertification for SNAP benefits matter. As stated above, on August 1, 2024, the Agency requested that Petitioner provide requested verification, within 10 days of August 1, 2024, or by August 11, 2024. See Exhibit R-2. Regulatory authority states that, when Petitioner files a recertification application, the Agency must give Petitioner a minimum of 10 days to provide the required verification information. See N.J.A.C. 10:87-9.1(h). Petitioner did not provide the requested verification on or before August 11, 2024, as stated in the notice, but rather, and without an explanation for the delay, on September 5, 2025, Petitioner provided only some of the requested verification, omitting a requested explanation or statement as to how he would meet his monthly expenses. See Initial Decision at 3; see also N.J.A.C. 10:87-9.1(h). As such, because Petitioner had not complied with the deadline stated in the August 1, 2024, Request for Contact, the Agency terminated Petitioner's SNAP benefits, effective September 1, 2024, at the end of the one month of benefits that Petitioner had been granted. See Initial Decision 2; see also Exhibit R-1 and N.J.A.C. 10:87-9.2(c)(5). Based on the discussion above and in accordance with the applicable regulatory authority, I find that the Agency's determination to terminate Petitioner's SNAP benefits at recertification was proper, and I hereby REJECT the ALJ's findings.

Therefore, based upon the foregoing, I hereby REJECT the Initial Decision in this matter, and AFFIRM the Agency determination, as outlined above.

Officially approved final version.

May 30, 2025

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Natasha Johnson

Assistant Commissioner

