



State of New Jersey

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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 **04763-26 J.C.**

AGENCY DKT. NO. **C176252003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits because Petitioner failed to participate in the required interview. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 22, 2026, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On June 30, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on July 7, 2026. Cross-Exceptions were received from the Petitioner on July 13, 2026.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency for action, based on the discussion below.

Here, the record reveals that Petitioner applied for SNAP benefits on December 31, 2025, on behalf of himself, and provided his telephone number within such application. See Initial Decision at 2; see also Exhibit R-1. On December 31, 2025, the Agency sent Petitioner an email indicating a scheduled telephone interview for January 5, 2026, between 9:15 A.M. and 10:00 A.M., and listing the telephone number which would be utilized. See Initial Decision at 2-3; see also Exhibit R-1. At the time of the hearing, the Agency representative testified that an Agency caseworker placed telephone calls to Petitioner on January 5, 2026, however, she stated that such information was obtained from internal Agency notes, which were not included in the documentary record submitted in this matter pursuant to Agency policy. See Initial Decision at 3. The Agency representative was unable to confirm when the calls were placed, as well as to what number they were placed. Ibid. Petitioner testified that he did not receive any calls from the Agency on January 5, 2026, nor any voice messages and introduced his phone records into evidence at the time of the hearing. Ibid.; see also Exhibit P-1. The call logs did show a call from Petitioner to the Agency phone number on January 5, 2026, at 11:07 a.m. Ibid.

On January 5, 2026, the Agency mailed a Notice of Missed Telephone Interview, indicating that Petitioner needed to contact the Agency to reschedule his interview. See Initial Decision at 4; see also Exhibit R-1. At the time of the hearing, Petitioner produced his phone records which indicated that, in the interim, he had phoned the Agency six times on January 8, 2026, and three times on January 9, 2026. See Initial Decision at 4; see also Exhibit P-1. Thereafter, on January 9, 2026, a notice was sent scheduling a telephone interview with Petitioner for January 13, 2026 from 11:30 A.M. to 12:15 P.M. See Initial Decision at 4; see also Exhibit R-1.



The Agency representative testified that, on January 13, 2026, an Agency caseworker placed two calls to Petitioner and left voice messages, however, the time of such calls and the number that was utilized were not documented in the internal Agency note system. See Initial Decision at 4. Petitioner testified he received no phone calls from the Agency on January 13, 2026, nor any voice messages. Ibid. The telephone records Petitioner produced showed only one incoming call on January 13, 2026, from a phone number not associated with the Agency. Ibid.; see also Exhibit P-1. On January 13, 2026, the Agency mailed another Notice of Missed Telephone Interview, indicating that Petitioner needed to contact the Agency to reschedule his interview. See Initial Decision at 4; see also Exhibit R-1.

On January 22, 2026, the Agency issued an additional Notice of Missed Telephone Interview, indicating that Petitioner had missed two prior scheduled interviews on January 5, 2026, and January 13, 2026. See Initial Decision at 5; see also Exhibit R-1. The Agency representative testified that an Agency caseworker phoned Petitioner twice on January 30, 2026, and was unable to reach Petitioner, though she was unable to confirm at what time such calls were made, or to what numbers. See Initial Decision at 5. Petitioner testified that he did not receive any calls from the Agency on January 30, 2026, and his phone records indicated no incoming calls on that date. Ibid.; see also Exhibit P-1. On January 30, 2026, the Agency issued a further Notice of Missed Telephone Interview, indicating that Petitioner needed to contact the Agency to reschedule his interview. See Initial Decision at 5; see also Exhibit R-1.

No additional telephone interview was scheduled and on February 9, 2026, the Agency denied Petitioner's application for SNAP benefits, indicating that he had failed to participate in the required interview. See Initial Decision at 5; see also Exhibit R-1. Petitioner contends that he was never given the opportunity to participate in the interview as he never received a telephone call from the Agency. See Initial Decision at 6. In June, 2026, Petitioner reapplied for SNAP benefits and had additional issues concerning a missed telephone interview which led Petitioner to appear, in person, at the Agency on June 18, 2026, at which time an in-person interview was conducted relative to the June, 2026 SNAP application. Ibid. While at the Agency, Petitioner requested the Agency caseworker dial his cell phone, and the call was received on his cell phone. Ibid.

In consideration of the testimonial and documentary evidence in this matter, the ALJ found that the testimony provided at the time of the hearing by the Agency representative regarding the placement of calls during the scheduled times, the voice mails that were left, and whether the correct phone number were utilized were "based wholly upon hearsay evidence from internal case notes," which notes were not produced and led the Agency's representative to testify to their "own assumptions that such action was taken by interviewers employed by the Agency." See Initial Decision at 8. The ALJ found compelling the phone records produced by Petitioner, which she found contradicted the testimony offered by the Agency representative who offered no corroborative evidence for her testimony. See Initial Decision at 8-9. Based on the foregoing, the ALJ concluded that Petitioner's failure to participate in the required interview was through no fault of his own as the evidence presented indicated that he was not given an opportunity to be interviewed as he was not phoned by the Agency to complete the required interview, and as such, the Agency's denial of SNAP benefits to Petitioner was improper and must not stand. See Initial Decision at 9; see also N.J.A.C. 10:87-2.14, -2.18, -2.22. I agree.

As I agree with the ALJ's final conclusion in this matter, I am remanding this case to the Agency to allow Petitioner the opportunity to be interviewed, in-person at the Agency, in relation to his December 31, 2025 application for SNAP benefits to determine if he should be eligible for any benefits retroactive to the date of his earlier application. See Initial Decision at 9. If Petitioner participates in such interview, and after evaluation of same, the Agency again denies Petitioner's SNAP benefits application, Petitioner is without prejudice to request another fair hearing on that subsequent denial.

By way of comment, I have reviewed the Exceptions submitted by the Agency in this matter and note that, at the time of the fair hearing the Agency requested an adjournment in order to call witnesses who had placed the calls to Petitioner to provide testimony as to same. The requested adjournment, on the date of the hearing, was denied. The Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ. See N.J.A.C. 10:87-8.15. Further, the Agency shall determine if the appropriate policy is in place in regards to the submission of internal case notes as an evidentiary record before the tribunal. Moreover, it should be noted that an ALJ's findings of credibility as to lay witnesses may not be rejected or modified unless a review of the record shows that the findings are arbitrary, capricious or unreasonable, or not supported by sufficient, competent and credible evidence in the record. See N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.6(c). In reviewing the record, I find nothing which would necessitate rejecting the ALJ's finding regarding Petitioner's testimony.

By way of additional comment, I note for the benefit of Petitioner that responses/replies to Exceptions or Cross-Exceptions are not permitted in DFD hearings. See N.J.A.C. 1:10-18.2.

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



Officially approved final version. August 06, 2026

Natasha Johnson
Assistant Commissioner

