



State of New Jersey

MIKIE SHERRILL
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

STEPHEN CHA, MD, MHSR
Commissioner

DR. DALE G. CALDWELL
Lt. Governor

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 **00597-26 P.E.**

AGENCY DKT. NO. **C091828003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency denied Petitioner's application for SNAP benefits, at recertification, contending that Petitioner failed to timely provide information and documentation necessary to determine continued eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 13, 2026, the Honorable Andrea Spevak, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On April 27, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were filed.

As the Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record and hereby MODIFY the Initial Decision and REVERSE 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).

"Households which have submitted an application for recertification in a timely manner but, due to [Agency] error, are not determined eligible in sufficient time to provide for issuance of benefits by the household's next normal issuance date shall receive an immediate opportunity to participate upon being determined eligible, and the allotment shall not be prorated." See N.J.A.C. 10:87-9.2(c)(1)-(2). If the household was unable to receive benefits in the month following the expiration of benefits because of Agency error, they will be entitled to a restoration of SNAP benefits. See N.J.A.C. 10:87-9.4(a).

Here, Petitioner was due to complete a recertification for SNAP benefits by August 1, 2025. See Initial Decision at 3. On June 9, 2025, Petitioner submitted a SNAP recertification application, and, thereafter, the Agency failed to process her recertification application until September 19, 2025, at which time the Agency sent Petitioner a Request for Contact indicating certain documentation must be submitted to the Agency by September 29, 2025. Ibid. Petitioner testified that she never received the Request for Verification, however, on September 20, 2025, and September 24, 2025, she did provide certain screenshots to the Agency, which were responsive to the documents requested. Ibid; see also Exhibits R-A, R-B. On October 16, 2025, the Agency processed Petitioner's application for SNAP recertification, which the Agency denied, indicating that Petitioner had failed to provide requested verifications. See Initial Decision at 4. Petitioner testified that she never received the denial notice. Ibid. On October 29, 2025, Petitioner submitted additional documents to the



Agency and on November 6, 2025, the Agency determined Petitioner's recertification was no longer valid. Ibid.; see also Exhibit R-C. On November 12, 2025, the Agency informed Petitioner that her SNAP recertification application was stale, and she would have to submit a new application for SNAP benefits, which she did in late November, 2025. See Initial Decision at 4. Petitioner's new application was approved utilizing the same documents she had previously submitted to the Agency. Ibid.

Based on the foregoing, the ALJ found that Petitioner had made a "good-faith effort" to comply with the Agency's request for verifications and information, as she believed her recertification application remained pending. See Initial Decision at 4. Further, the ALJ found that the Agency had delayed in processing Petitioner's timely submitted recertification application by more than three months and failed to comply with the regulatory guidelines set forth at N.J.A.C. 10:87-2.2(f) and (g)(2). Thus, regulatory guidance mandates that the Agency must process the original application. See N.J.A.C. 10:87-2.2(g)(2).

Accordingly, the ALJ reversed the Agency's action terminating Petitioner's SNAP benefits, for failure to provide required verifications at recertification. See Initial Decision at 5. I agree, however, the Initial Decision in this matter is modified to reflect that the citations made within the Decision were to subchapter 2, which is applicable to initial or new SNAP applications, when such citations should have been made to subchapter 9, which is applicable to SNAP recertification applications. As such, pursuant to the regulatory authority of N.J.A.C. 10:87-9.1 et seq, specifically N.J.A.C. 10:87-9.2(c)(2), as the household was unable to participate in SNAP for the month following the expiration of the certification period due to an Agency error, Petitioner is entitled to restored benefits from August 1, 2025, to the date of the approval of her November, 2025, application.

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

Officially approved final version. June 10, 2026

Natasha Johnson
Assistant Commissioner

