

## DEPARTMENT OF HUMAN SERVICES

Chris Christie Governor

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Jennifer Velez Commissioner

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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 186-15 M.R.

AGENCY DKT. NO. C629935 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of retroactive Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits between the date of her online application and the date of her in-person interview with the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 25, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On February 26, 2015, the ALJ issued her Initial Decision, ordering the Agency to pay Petitioner retroactive SNAP benefits for the time in question. The ALJ stated that Petitioner filed an online application on June 2, 2014, and received no decision from the Agency on her application, despite repeated calls to the Agency. See Initial Decision at 2, para. 3. Finally, Petitioner went to the Agency in person on August 11, 2014, and was given an initial screening appointment for August 13, 2014. See id. at para. 5. Petitioner was then approved for SNAP benefits, but only to August 14, 2014, rather than retroactive to the date of Petitioner's original online application of June 2, 2014. See Exhibit P-1 at 5. The ALJ noted that the relevant regulatory authority treats online applications the same as those filed in person. See Initial Decision at 5; see also N.J.A.C. 10:87-2.13(b). The ALJ further found that the Agency had not acted on Petitioner's online application expeditiously as required. See N.J.A.C. 10:87-2.26. Noting that it was undisputed that Petitioner had submitted her original application on June 2, 2014, and through no fault of her own, Petitioner was not scheduled for her intake appointment until more than two months later, the ALJ concluded that the Agency had not met its regulatory responsibilities. See Initial

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Decision at 5. Furthermore, as Petitioner was ultimately determined eligible to receive SNAP benefits, the ALJ ordered that Petitioner be provided retroactive benefits to the date of her June 2, 2014, application in accordance with regulatory authority. See Initial Decision at 5; see also N.J.A.C. 10:87-2.11.

No Exceptions to this Initial Decision were filed.

As the Deputy Director of the 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 in this matter.

By way of comment, a transmitted issue in this case also pertained to the denial of Petitioner's application for Emergency Assistance ("EA") benefits in the form of one month back rent. In the Initial Decision, the ALJ indicates that Petitioner "was advised as to how to reconstruct the paperwork and re-present it to the Agency ...." See Initial Decision at 3. The ALJ made no findings on this issue, and noted that Petitioner is without prejudice to seek another fair hearing on the resubmission determination. I agree, and therefore make no finding pertaining to the issue at the present time.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is REVERSED.

**Signed Copy on File** at DFD, BARA

MAR 11 2015

Natasha Johnson Deputy Director