



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Jennifer Velez  
*Commissioner*

Jeanette Page-Hawkins  
*Director*  
Tel. (609) 588-2000

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 9163-14 D.P.

AGENCY DKT. NO. C176200 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's failure to provide Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits, for a two and a half month period, after she had been approved for the receipt of benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 12, 2014, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On August 12, 2014, the ALJ issued her Initial Decision which reversed the Agency's action and ordered restoration of benefits for the two and a half month time frame. See Initial Decision at 3. The ALJ found Petitioner's testimony to be not only credible, but uncontroverted, as the Agency representative who appeared at the hearing had no knowledge of why there had been an interruption of Petitioner's benefits. See *id.* at 2. Petitioner stated that she had submitted her necessary paperwork for recertification in late January 2014, which was approved. *Ibid.* Petitioner then received benefits for February, but did not receive benefits for March or April. *Ibid.* Despite repeated efforts to rectify the situation, including an in-person visit to the Agency on March 11, 2014, out of frustration, Petitioner submitted a new application in May, 2014. *Ibid.* Petitioner has received benefits again since May 16, 2014. *Ibid.* As the Agency could not offer any explanation or documentation to clarify the interrupted benefits, and as it was clear that Petitioner had been eligible to receive benefits both before and after the interruption, the ALJ ordered that Petitioner's benefits for the time frame of March, April, and May 1 through May 15, 2014, be restored.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and having made an independent review of the record in this matter, I hereby ADOPT the Findings of Fact and Conclusions of Law in this matter. I concur with the ALJ that Petitioner is entitled to have her lost benefits restored by the Agency. See N.J.A.C. 10:87-11.11.

By way of comment, the Agency is reminded of its regulatory responsibility to "appoint a representative to appear at the hearing ... who is familiar with the case and issue(s) involved in the hearing." See N.J.A.C. 10:87-8.15.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision, REVERSE the Agency action and direct the Agency to restore Petitioner's lost SNAP benefits for March and April 2014, and May 1 through May 15, 2014.

*Signed Copy on File*  
at DFD, BARA

**AUG 26 2014**

---

Jeanette Page-Hawkins  
Director