



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 18572-15 J.C.

AGENCY DKT. NO. C602151 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Agency's denial of Petitioner's Supplemental Nutrition Assistance Program ("SNAP"), f/k/a Food Stamps, recertification application. The Agency denied Petitioner's SNAP application due to Petitioner's alleged failure to provide information necessary to determine eligibility on recertification. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 4, 2016, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 8, 2016, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 considered the record in this matter and the ALJ's Initial Decision and I hereby MODIFY the ALJ's Initial Decision and REVERSE the Agency determination.

Based on the record presented, Petitioner came to the Agency office on September 2, 2015, in order to process a recertification of SNAP benefits. See Initial Decision at 2; see also Exhibit P-1. While at the Agency, Petitioner was instructed to return with his wife to co-sign the necessary paperwork and provide a copy of his lease, or other proof of residence. See Initial Decision at 2; see also Exhibit P-3. Petitioner returned the next day with his wife and a letter from his landlord that provided proof of his residency. See Initial Decision at 2; see also Exhibit P-4.

Subsequently, Petitioner received an adverse action notice from the Agency stating he

Page 2

was ineligible to receive SNAP benefits effective November 1, 2015, for failure to cooperate in processing his application. See Initial Decision at 2; see also Exhibit P-5.

At the hearing, the Agency representative indicated that Petitioner's recertification application was denied because he did not provide the Agency with his updated income. See Initial Decision at 3. Petitioner stated he had not been notified of this deficiency and would be happy to provide his income information, as he had on prior occasions. Ibid. The ALJ found Petitioner's claim credible and established that he was not provided notice of the missing income information. Ibid. Therefore, the ALJ concluded that Petitioner did not refuse to cooperate with the Agency and reversed the Agency decision to deny Petitioner's recertification. Ibid; see also N.J.A.C. 10:87-2.16. I agree.

However, the ALJ also ordered that Petitioner be provided with retroactive SNAP benefits from September 2015 to the present. See Initial Decision at 4. I disagree with this conclusion and modify the Initial Decision on this basis. Although Petitioner was wrongfully denied his application based on an alleged failure to cooperate, he is still required to provide income verification in order to continue to receive SNAP benefits. See N.J.A.C. 10:87-2.19(b). Additionally, it should be noted that, "[i]f an application for recertification is submitted after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with N.J.A.C. 10:87-6.2(c)." See N.J.A.C. 10:87-6.3(b). When the certification period ends, entitlement to SNAP benefits also ends. See N.J.A.C. 10:87-6.20. Here, Petitioner's certification period ended in August and his application was therefore late when he came to recertify on September 2, 2015. See Exhibit R-1. Because his application for recertification was taken after the previous certification period had ended, Petitioner's application will be treated as an initial application for SNAP benefits. See N.J.A.C. 10:87-6.3(b). As such, benefits for that month shall be prorated from the date of application, to the end of the month. See N.J.A.C. 10:87-6.2(c).

Therefore, I instruct Petitioner to provide said income information to the Agency in order to process his recertification application. Upon receipt, the Agency is instructed to process Petitioner's application in an expedited manner.

Accordingly, the Initial Decision in this matter is MODIFIED and the Agency's actions are hereby REVERSED.

Signed Copy on File
at DFD, BARA

JAN 26 2016

Natasha Johnson
Director