
M.A. v. Union County Board of Social Services
Cite as 2 *N.J.A.R.* 390

M.A.,
Petitioner,
v.
UNION COUNTY BOARD
OF SOCIAL SERVICES,
Respondent.

Decided January 22, 1980

Initial Decision

SYNOPSIS

Although petitioner's food stamp authorization to purchase was mailed on November 20, 1979, it was not received until December 1, 1979. Since the November authorization could only be used during that month, the administrative law judge found that the petitioner was denied the use of food stamps through no fault of her own. Pursuant to *N.J.A.C.* 10:87-9.17(c), petitioner was entitled to a replacement of the November purchase authorization.

ROBBINS, ALJ:

Petitioner requests relief from the administrative determination of the Union County Board of Social Services denying emergency replacement of November 1979 food stamp Authorization to Purchase (ATP), pursuant to *N.J.A.C.* 10:87-9.17. The matter was transmitted to the Office of Administrative Law for a determination as a contested case, pursuant to *N.J.S.A.* 52:14F-1 *et seq.*

Petitioner requested a hearing on December 10, 1979. After notice to all parties, a hearing was held on January 9, 1980, in the Union County Administration Building, Elizabeth, New Jersey, before Administrative Law Judge Frances Robbins.

At issue is the administrative determination to deny petitioner's request for replacement of November 1979 food stamp ATP in the amount of \$61. The relevant regulation, *N.J.A.C.* 10:87-9.17(c), is as follows:

The CWA shall issue an emergency replacement ATP only if the original ATP was lost or stolen in the period for which it was intended.

Testimony established that the petitioner is eligible to receive \$61 in food coupons for her one-person household. She is recertified monthly and is interviewed on the second Monday of each month in an Outreach office.

During the month of November 1979, the second Monday was a State holiday and she was therefore scheduled for recertification on the third Monday of the month, November 19. On November 20, 1979, the agency mailed the manually issued November 1979 ATP in the amount of \$61 to the petitioner.

Petitioner stated that the November ATP was delivered to her by regular mail on Saturday, December 1, 1979. On this date, petitioner was advised that the ATP was no longer negotiable. She notified the agency immediately but replacement of the ATP was denied.

The agency representative stated that as the ATP had been issued before November 25, 1979, the coupon was dated November 1979. It is their practice to date ATPs issued after the 25th of the month for the following month. The agency representatives do not dispute the fact that petitioner received the ATP too late for petitioner to negotiate. However, it is their position that this form was mailed on November 20, 1979, and they have fulfilled their responsibility in the matter.

Petitioner states that she relies on the food stamp assistance to help her meet her needs. She followed procedures for receiving such assistance and because of some unexplained delay in receipt of her mail, she was denied use of the November 1979 assistance.

Based upon the foregoing, I **FIND**:

1. Petitioner was found eligible to receive \$61 in food stamps for the month of November.
2. The food stamp ATP for November 1979 was mailed by the agency on November 20, 1979.
3. Petitioner received the November 1979 ATP on December 1, 1979, and was, therefore, unable to cash this, as the authorization for purchase of coupons was good only during the month of November 1979.
4. Petitioner returned the uncashed November ATP to the agency as requested.
5. Petitioner was denied use of her November 1979 food stamps due to no fault of her own.
6. Petitioner did not receive the November 1979 food stamps because of temporary loss in the process of mailing. Said loss occurred during November 1979, the period for which the ATP was intended.

Based upon the facts adduced at the hearing in this proceeding and the applicable regulations, I **CONCLUDE**, pursuant to *N.J.A.C.* 10:87-9.17(c), that petitioner has entitlement to replacement of the November 1979 ATP in the amount of \$61.

Therefore, the action of the Union County Board of Social Services in denying replacement of coupons is **REVERSED**.

M.A. v. Union County Board of Social Services
Cite as 2 *N.J.A.R.* 390

After reviewing this Initial Decision, the Division of Public Welfare on January 22, 1980 issued the following Final Decision:

The Division of Public Welfare adopts the decision of the administrative law judge.