



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 07850-19 S.L.

AGENCY DKT. NO. C080863018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's calculation of her Supplemental Nutrition Assistance Program ("SNAP") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On July 30, 2019, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents into evidence. On August 6, 2019, the ALJ issued an Initial Decision, affirming the Agency's calculation of Petitioner's SNAP benefits.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the record in this matter and I hereby MODIFY the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

The record reflects that, on May 6, 2019, the date of Petitioner's application for SNAP benefits, she lived with her two children, and had unearned income in the amount of \$1,554 in Supplemental Security Income ("SSI") benefits. See Initial Decision at 2; see also Exhibit R-1 at 4. On May 21, 2019, the Agency notified Petitioner that that she would receive \$50 per month in SNAP benefits, beginning June 1, 2019. See Exhibit R-1 at 9. On that same date, Petitioner was approved for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. Ibid. On May 29, 2019, Petitioner's SNAP benefits were reduced to \$43 per month, effective July 1, 2019, due to an increase in her household's total income, as the result of the receipt of WFNJ/TANF benefits. See Exhibit R-1 at 11; see also N.J.A.C. 10:87-5.5, -6.16(b)(1). Thereafter, on or around July 29, 2019, Petitioner was given a medical deduction for out-of-pocket medical expenses, and after a recalculation of her SNAP benefits, her monthly benefit amount increased to \$97. See Initial Decision at 2, 3; see also Exhibit R-1 at 20a, and N.J.A.C. 10:87-5.10(a)(3), -6.16(b)(5). The ALJ concluded that, after applying the appropriate deductions, and a recoupment toward an overpayment, the Agency properly calculated Petitioner's SNAP benefit amount. See Initial Decision at 4.



While I concur with the ALJ's final conclusion that the Agency's calculation of Petitioner's SNAP benefits was correct, based on an independent review of the record, I find that Petitioner's monthly SNAP benefit amount had increased because of the medical deduction that was included in the Agency's July 29, 2019, recalculation of Petitioner's SNAP benefit amount, and not due to a mass change in which all SNAP benefit recipients received an increase, as stated by the ALJ. See Initial Decision at 2; see also Exhibit R-1 at 20a, and N.J.A.C. 10:87-5.10(a)(3), -6.16(b)(5). Additionally, I find that Petitioner's SNAP benefit amount is reduced because she is responsible to repay a total of \$30 to the Agency, as opposed to the \$10 amount, as found by the ALJ. See Initial Decision at 3. The record indicates that Petitioner has two overissuance claims for which she is repaying \$20 and \$10 per month, respectively, and which are being deducted from her monthly SNAP benefit allotment. See Exhibit R-1 at 20a. The Initial Decision is hereby modified to reflect these findings.

By way of comment, the transmittal in this matter indicates an additional contested issue challenging the correctness of Petitioner's WFNJ/TANF benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning the correctness of her WFNJ/TANF benefits amount, she may request another fair hearing on that issue alone.

By way of further comment, it should be noted that fair hearings are not permitted based on mass changes. See N.J.A.C. 10:87-8.2A.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

AUG 22 2019

Natasha Johnson
Director

