



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 14201-19 V.F.

AGENCY DKT NO C098954003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner challenges the Respondent Agency's notice demanding he repay allegedly overissued Supplemental Nutrition Assistance Program ("SNAP") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On December 4, 2019, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 17, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that on July 9, 2013, Petitioner completed a recertification application for SNAP benefits, and reported that, from October 1, 2012, through September 30, 2013, he received a monthly grant from the United States Department of Veteran's Administration ("VA"), in the amount of \$1564. See Initial Decision at 2; see also Exhibit R-1 at 2, 3d. After becoming aware of Petitioner's receipt of the VA grant, the Agency concluded that Petitioner had failed to report a change in household income, and further determined that Petitioner was overissued SNAP benefits in the amount of \$2,788, for the period beginning February, 2013, through September, 2013. See Initial Decision at 2; see also Exhibit R-1 at 1a-1d, 4, 5, and N.J.A.C. 10:87-5.5, -9.5. Petitioner testified that the VA grant was used to fund his enrollment in a computer training program, and to pay for educational expenses, such as books and supplies. See Initial Decision at 2; see also Exhibit R-1 at 2. The ALJ found that the VA grant should have been excluded from Petitioner's household income for SNAP calculation purposes, because it is an educational assistance benefit, as defined in N.J.A.C. 10:87-5.11(a). See Initial Decision at 3; see also Exhibit R-1 at 4, and N.J.A.C. 10:87-5.9(a)(7). Accordingly, the ALJ concluded that the Agency's action to recover the allegedly overissued SNAP benefits was not appropriate, and that its notice to Petitioner, demanding repayment of \$2,788 in SNAP benefits, was therefore reversed. See Initial Decision at 3, 4; see also Exhibit R-1 at 1a-1d, and N.J.A.C. 10:87-11.20(e)(2). I agree.

No Exceptions to the Initial Decision were received.

As the 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.

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



Officially approved final version.

Natasha Johnson
Assistant Commissioner

DEC 26 2019

