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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 00078-20 D.O.

AGENCY DKT. NO. S617911012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of Respondent Agency's reduction of his Supplemental Nutrition Assistance Program ("SNAP") benefits, and also appeals from the Respondent Agency's termination of Emergency Assistance ("EA"), and Work First New Jersey/General Assistance ("WFNJ/GA"), benefits. Petitioner's SNAP benefits were reduced due to an increase of Petitioner's household unearned income. The Agency terminated Petitioner's WFNJ/GA benefits because he had become a Supplemental Security Income ("SSI") benefits recipient. Petitioner's EA benefits were then subsequently terminated because Petitioner was no longer a WFNJ benefits recipient, nor an SSI benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 31, 2020, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing on all the issues presented, took testimony, and admitted documents.

On February 7, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on August 29, 2019, Petitioner, who was a WFNJ/GA and SNAP benefits recipient, applied for, and was approved for, EA benefits. See Initial Decision at 2; see also Exhibit R-1 at A, B. On his application for EA benefits, Petitioner advised the Agency that he had an application pending for SSI benefits, and thereafter, in October, 2019, began receiving SSI benefits. See Initial Decision at 2; see also Exhibit R-1 at A.

On October 30, 2019, the Agency notified Petitioner that his SNAP benefits would be reduced, from \$174 to \$72 per month, due to his receipt of unearned income, specifically, SSI benefits. See Initial Decision at 3; see also Exhibit R-2 at B, D, and N.J.A.C. 10:87-5.5(a)(1). In December 2019, Petitioner advised the Agency that he was receiving Social Security Disability ("SSD") benefits, or Retirement, Survivors and Disability Insurance ("RSDI") benefits. See Initial Decision at 2-3; see also Exhibit R-2 at D. As a result, on January 15, 2020, Petitioner was advised by the Agency that his SNAP benefits would be further reduced to \$16 per month, due to his receipt of RSDI benefits. See Initial Decision at 3; see also Exhibit R-2 at B1, C. The ALJ in this matter found that the Agency was correct in applying



the changes to Petitioner's household unearned income, which in turn resulted in the reductions to Petitioner's SNAP benefits amounts, respectively. See Initial Decision at 4. I agree.

With regards to the termination of Petitioner's WFNJ/GA benefits, the record reflects that the Agency notified Petitioner on October 30, 2019, that said benefits would be terminated due to his receipt of SSI benefits. See Exhibit R-2 at A. Citing applicable regulatory authority, the ALJ agreed with the Agency, that recipients of SSI benefits are ineligible to receive WFNJ/GA benefits, and upheld the termination. See Initial Decision at 4; see also Exhibit R-2 at A, and N.J.A.C. 10:90-2.8(a)(2). I also agree.

Finally, with respect to the termination of EA benefits, the record shows that on December 16, 2019, the Agency notified Petitioner that his EA benefits would be terminated effective January 1, 2020, because Petitioner was now receiving SSD/RSDI benefits. See Initial Decision at 2-3, 5; see also Exhibit R-1 at I. Noting that Petitioner was not a WFNJ benefits recipient, and was no longer receiving SSI benefits, but rather SSD/RSDI, the ALJ found that Petitioner was ineligible for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.2(a) (stating that only WFNJ and SSI benefits recipients are eligible for EA benefits). I also agree.

No Exceptions to this Initial Decision were filed.

As Assistant Commissioner, 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 decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

By way of comment, it should be noted, that when a household's income increases, and all other values in the SNAP calculations remain constant, the household's monthly SNAP allotment will decrease.

By way of further comment, Petitioner is advised that, at such time that he incurs housing costs, he should advise the Agency and his SNAP benefits amount will be adjusted accordingly.

Also by way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

Natasha Johnson
Assistant Commissioner

FEB 24 2020

