



State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

TRENTON, NJ 08625-0716

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 04801-21 A.E.

AGENCY DKT. NO. C058189017 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits, contending that Petitioner had failed to provide requested documentation necessary for continued eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 28, 2021, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On July 12, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on July 19, 2021.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED, based on the discussion below.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87-1.1(a). Regulatory authority applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits for both adults and children in the household. See N.J.A.C. 10:87-5.5(a)(2). Further, N.J.A.C. 10:87-5.5(a)(2) specifically includes "unemployment compensation" as unearned income, which is to be included when determining a household's SNAP eligibility.

The record in this matter show that Petitioner was approved for SNAP benefits in May 2020. See Initial Decision at 2. The record further reflects that Petitioner submitted an application for renewal of health care under NJ Family Care in March, 2021. *Ibid.*; see also Exhibit R-1 at 7-13. Based on information contained in that application, it appeared that there was household income which was not being included in the household's SNAP eligibility determination, and therefore, in accordance with



regulatory requirements to verify income, the Agency requested proof of the income in question on April 13, 2021, with said proof to be provided within 10 days. See Initial Decision at 3; see also Exhibit R-1 at 14. On May 6, 2021, when the requested proof of income had not been received, the Agency terminated Petitioner's SNAP benefits, effective June 1, 2021. See Exhibit R-1 at 4-5; see also N.J.A.C. 10:87-2.19. Based on the foregoing, the ALJ found that the Agency had acted in accordance with regulatory mandates to verify income, and that, while documentation was later provided by Petitioner, it had not been timely provided, and therefore, the termination of Petitioner's SNAP benefits was proper and must stand. See Initial Decision at 7. I agree.

By way of comment, Petitioner takes exception to questions that were asked by the Agency pertaining to his and his wife's receipt of, and/or application for, Unemployment Insurance Benefits ("UIB"). As noted above, unearned income in the form of UIB is included in SNAP benefits eligibility calculations, and as such, questions regarding UIB receipt status and/or application are appropriate. See N.J.A.C. 10:87-5.5(a)(2).

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

Officially approved final version.

AUG 24 2021

---

Natasha Johnson  
Assistant Commissioner

