



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
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 **07468-22 C.C.**

AGENCY DKT. NO. **S905827009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner seeks recovery of a supplemental payment of Supplemental Nutritional Assistance Program ("SNAP") benefits, and also appeals from the Respondent Agency's determination that it was not responsible to replace Work First New Jersey/General Assistance ("WFNJ/GA") benefits which had been allegedly stolen from Petitioner's Electronic Benefits Transfer ("EBT") card. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 11, 2022, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On June 8, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination with respect to replacement of the allegedly stolen WFNJ/GA benefits.

No Exceptions to the Initial Decision were received.

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 hereby MODIFY the Initial Decision and AFFIRM the Agency's determination, based on the discussion below.

Here, the Initial Decision references two different contested issues: the first pertaining to a \$95 supplemental SNAP payment for the month of June, 2022, and the second regarding restoration of the allegedly stolen WFNJ/GA funds which occurred in May, 2022. See Initial Decision at 2. With respect to the \$95 supplemental SNAP payment for June, 2022, it was agreed that Petitioner was entitled to this payment and the Agency agreed to pay same. *Id.* at 2-3. I agree.

With respect to the WFNJ/GA funds allegedly stolen from Petitioner's EBT card in May, 2022, the Agency correctly stated that there was no regulatory authority to replace these funds. *Id.* at 3-4. The ALJ did, in the Initial Decision, reference a recent Federal law which was enacted in December 2022, as part of the Consolidated Appropriations Act, 2023, to address and replace SNAP benefits "that are determined by the State agency to have been stolen through card skimming, card cloning, or similar fraudulent methods." *Id.* at 4-5; see also Consolidated Appropriations Act, 2023, H.R. 2617, 117th Cong. section 501(b) (2023). The ALJ also references the possibility of restoration of WFNJ/Temporary



Assistance for Needy Families benefits. See Initial Decision at 5-6. I note that, as a result of this new law, states will be able to replace benefits, within certain parameters, stolen between October 1, 2022, and September 30, 2024. Petitioner is now advised that New Jersey's State Plan was approved, and both SNAP and WFNJ benefits recipients, who claim that they had SNAP or WFNJ benefits stolen through unauthorized transactions as a result of some form of skimming, may submit a claim for their loss(es). For losses which occurred prior to July 1, 2023, as in this case, a claim must be submitted no later than August 31, 2023. While the date of Petitioner's alleged loss is before the October 1, 2022, claim eligibility period, Petitioner is without prejudice to submit a claim. Should she chose to do so, Petitioner is advised to contact the Agency as soon as possible, and submit the requisite claim form. The Initial Decision is modified to reflect these findings.

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

Officially approved final version. July 13, 2023

Natasha Johnson
Assistant Commissioner

