



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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 **08292-23 K.P.**

AGENCY DKT. NO. **C695091007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner challenges the correctness of the Respondent Agency's reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. Petitioner's eligible monthly SNAP benefits allotment was reduced due to a decrease in shelter expenses. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 19, 2023, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for submission of additional documentation, and then closed on October 24, 2023. On November 2, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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.

"Every NJ SNAP application shall be made on behalf of a household. It is critically important to determine exactly who constitutes the household for NJ SNAP since all considerations of eligibility will follow from this initial determination." N.J.A.C. 10:87-2.1. Further, N.J.A.C. 10:87-2.2(a) states, "A household may be composed of any of the following individuals or groups of individuals ... [a] group of individuals living together for whom food is purchased in common and for whom meals are prepared together for home consumption[.]" See N.J.A.C.10:87-2.2(a)(3).

In accordance with N.J.A.C. 10:87-2.19(i)(1), "Individuals who claim to be a separate household from those with whom they reside shall be responsible for proving that they are a separate household to the satisfaction of the [County Welfare Agency]."

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. "Earned income" is



defined, in pertinent part, as “[a]ll wages and salaries received as compensation for services performed as an employee[.]” See N.J.A.C. 10:87-5.4(a)(1). 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).

Here, the record shows that Petitioner’s submitted an Interim Reporting Form (“IRF”) which did not indicate any shelter costs. See Initial Decision at 2. As a result, Petitioner’s monthly SNAP benefits allotment was recalculated, without any shelter costs, resulting in a reduction of Petitioner’s monthly SNAP benefits allotment from \$602 to \$237, effective May 1, 2023. See Exhibit R-1. Petitioner requested a fair hearing on the Agency’s reduction of her monthly SNAP benefits. See Initial Decision at 2. At the fair hearing before the ALJ, facts were adduced which raised further issues, specifically pertaining to the actual household composition for SNAP eligibility purposes in this matter, as well as earned income which had not been reported to the Agency. Id. at 2-4. The ALJ in this matter issued a thorough and comprehensive Initial Decision, outlining all the facts brought forth during the hearing, the applicable regulatory authority, and rendering a well thought out analysis, applying law to fact. The ALJ found that the Agency was correct in reducing Petitioner’s monthly SNAP benefits as a result of the omission on any listed shelter expenses on Petitioner’s submitted IRF. Id. at 5, 7. Further, the ALJ determined that the testimony and documentary evidence presented failed to prove that Petitioner’s SNAP household was, in fact, a separate household from other family members residing in the same rented house. Ibid.; see also N.J.A.C. 10:87-2.2(a), -2.19(i)(1). Additionally, the ALJ found that Petitioner had not fully disclosed the family’s living situation, nor had Petitioner reported additional earned income. See Initial Decision at 5. Based on the foregoing, the ALJ concluded that the Agency’s determination in this case was proper and must stand. Id. at 7. I agree. The ALJ further concluded that Petitioner’s action in failing to accurately report her income and household circumstances resulted in the Agency being incapable of properly computing Petitioner’s SNAP benefits eligibility. Ibid. I also agree.

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

Officially approved final version. November 28, 2023

Natasha Johnson
Assistant Commissioner

