



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 **10021-23 M.B.**

AGENCY DKT. NO. **C019903006 (CUMBERLAND COUNTY BD OF SOC SVCS.)**

Petitioner appeals from the Respondent Agency's replacement of only two months of Supplemental Nutritional Assistance Program ("SNAP") benefits lost due to "skimming," rather than the full amount stolen. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 18, 2023, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents.

On November 1, 2023, the ALJ issued an Initial Decision, affirming the Agency's replacement of two months of SNAP benefits. The ALJ in this matter issued a thorough and comprehensive Initial Decision, detailing the facts in this matter, outlining the background of the applicable law, and then applying law to fact. See Initial Decision at 3-5. The record in this matter reflects that the relevant facts were stipulated to by the parties. See Initial Decision at 2. The record further reflects that Petitioner had been approved for SNAP benefits in January, 2022. *Ibid.* In March, 2023, approximately \$2,700, the full amount in Petitioner's SNAP benefits account, was stolen by means of skimming. *Id.* at 3. Petitioner then reported the theft, filed a police report as directed by the Agency, and subsequently filed a claim for replacement of the electronically stolen benefits. *Ibid.*; see also Exhibit R-1 at 2. The Agency investigated, and as a result, in accordance with applicable law, replaced two months of Petitioner's SNAP benefits, \$358 per month, for a total of \$716, to Petitioner's SNAP benefits account on July 10, 2023. See Initial Decision at 3-4; see also Division of Family Development Instruction ("DFDI") 23-08-02 at 4. Following a review of the recently promulgated Federal law, permitting replacement of SNAP benefits stolen by skimming within certain parameters, and New Jersey's approved plan to implement that law, the ALJ determined that the Agency had acted in accordance with the guidelines and parameters established through the law, specifically, for replacement of the total amount of SNAP benefits stolen, or two months of benefits, whichever was lesser. See Initial Decision at 4-5. While Petitioner sought to have the total amount of stolen benefits, approximately \$2,700, consisting of multiple "saved" months of benefits, replaced, the ALJ determined that the Agency had correctly, in accordance with the Federal law, determined that Petitioner was only eligible for replacement of two months of SNAP benefits at \$358 per month, or \$716, total. *Id.* at 5. Based on the foregoing, the ALJ concluded that the Agency's determination in this matter was proper and must stand. *Ibid.* I agree.



No Exceptions to the Initial Decision were received from either party.

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 final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Officially approved final version. November 21, 2023

Natasha Johnson
Assistant Commissioner

