



## 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 12358-23 A.M.

AGENCY DKT. NO. C098586018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of his application for Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits because he is an ineligible alien. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 19, 2023, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On January 2, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner on January 18, 2024.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

Regulatory authority mandates that an applicant for SNAP benefits must be either a United States citizen or a qualified eligible alien. See N.J.A.C. 10:87-3.5. N.J.A.C. 10:87-3.7(a) states, "Qualified aliens who have been lawfully admitted for permanent U.S. residence and/or are permanently and lawfully residing in the U.S. shall be eligible for the NJ SNAP program. For a specific listing of aliens eligible for program benefits, see N.J.A.C. 10:87-3.8." N.J.A.C. 10:87-3.8(b) further specifies that immigrants shall meet two requirements to be eligible for SNAP benefits, in addition to other program requirements: that the immigrant be in a "qualified alien category," and also meet a condition that allows qualified aliens to receive SNAP benefits. The regulation further dictates that a "qualified alien" for SNAP benefits eligibility is a person who falls into one of the categories outlined in subsections (d) and (e) of the regulation. See N.J.A.C. 10:87-3.8(c). One category of "qualified aliens" eligible for SNAP benefits is an asylee, having been granted such status by the U.S. Citizenship and Immigration Services. See N.J.A.C. 10:87-3.8(d)(1).

Here, the record reveals that Petitioner applied for SNAP benefits on September 21, 2023. See Exhibit R-1 at 23-34. The Agency denied Petitioner SNAP benefits on October 20, 2023, because Petitioner was not a qualified alien, in accordance with regulatory authority, and therefore, was ineligible for SNAP



benefits. Id. at 7-10; see also N.J.A.C. 10:87-3.8(d)(1). The ALJ in this case found that the documentary evidence presented confirmed that, while Petitioner had applied for asylum status, he had not yet been granted same, and therefore, he was ineligible for SNAP benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 36, N.J.A.C. 10:87-3.8(d)(1). Based on the foregoing, the ALJ concluded that Petitioner was ineligible for SNAP benefits, and as such, the Agency's denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 3; see also Exhibit R-1 at 7-10 and N.J.A.C. 10:87-3.8(d)(1). I agree.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits at such time as he is granted asylum status. See Initial Decision at 3.

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

Officially approved final version. January 30, 2024

---

Natasha Johnson  
Assistant Commissioner

