



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 11832-23 B.G.

AGENCY DKT. NO. C159828002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency terminated Petitioner's SNAP benefits at recertification, contending that Petitioner's resources exceeded the maximum permissible level for continued receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 2, 2024, the Honorable Kelly J. Kirk, Administrative Law Judge, held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On January 16, 2024, the ALJ issued an Initial Decision, reversing the Agency's termination of Petitioner's SNAP benefits at recertification, and remanding the matter to the Agency to reevaluate Petitioner's eligibility.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. In accordance with N.J.A.C. 10:87-4.11(a), the maximum allowable resources, including both liquid and non-liquid assets for all members of the household, shall not exceed \$2,750, except households which include a person aged 60 or over, for which such resources shall not exceed \$4,250. See DFD Instruction ("DFDI") 23-09-01 at 2,13. If the household's non-excludable income exceeds the allowable amounts at any point in time, the household's participation in the SNAP program shall be denied or terminated. See N.J.A.C. 10:87-4.11(b).

Here, the record reflects that on October 5, 2023, the Agency noticed Petitioner that her SNAP benefits would terminate, effective November 1, 2023, due to Petitioner's resources exceeding the maximum allowable amount of \$4,250. See Initial Decision at 4-5; see also Exhibit R-1 at 2-3, N.J.A.C. 10:87-4.11 and DFDI 23-09-01 at 2, 13. Further, the record reflects that Petitioner is an elderly full-time student reliant upon her federal work study program and individual retirement account ("IRA") income. See Initial Decision at 2. The Agency, including Petitioner's total IRA value, calculated her total household resources at \$134,304. See Initial Decision at 3-4; see also Exhibit R-1 at 1, 21; P-1 at 31-32, 77-79, 97-98. Based on applicable regulatory authority, the ALJ in this matter found that Petitioner's IRA resources were excludable, and thus should not have been included in Petitioner's resources total. See Initial Decision at 6. On this basis alone, the ALJ found that the Agency's termination of Petitioner's SNAP benefits at recertification was not proper and must be reversed, and as such, remanded the matter to the Agency to further evaluate Petitioner's eligibility. *Ibid.*; see also DFDI 23-09-01. I agree.



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

Officially approved final version. February 27, 2024

Natasha Johnson
Assistant Commissioner

