



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **09446-24 C.N.**

AGENCY DKT. NO. **C183130003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, contending she was ineligible as she was residing within an institution or residential treatment facility which was providing her meals at the time of her applications, making her ineligible for benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 24, 2024, the Honorable Deirdre Hartman-Zohlman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On September 26, 2024, the ALJ issued an Initial Decision, affirming in part and reversing in part the Agency's determination and remanding the case to the Agency.

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 ADOPT the Initial Decision, and AFFIRM in part and REVERSE in part, the Agency's determinations, and REMAND the matter to the Agency for further action, based on the discussion below.

Here, the record reflects that Petitioner applied for SNAP benefits on February 1, 2024, at which time she was institutionalized at a behavioral health center, which provided her meals. See Initial Decision at 2; see also Exhibit R-A. On February 22, 2024, Petitioner was discharged to a residential treatment facility, where she was also provided her meals. See Initial Decision at 2; see also Exhibit R-C. Petitioner then applied a second time for SNAP benefits on February 26, 2024, and on March 11, 2024, received benefits in the amount of \$48, due to receipt of one month expedited SNAP benefits. See Initial Decision at 2; see also Exhibits R-B, R-C. On March 21, 2024, Petitioner left the residential treatment facility and was placed, through the receipt of Emergency Assistance ("EA") benefits at a motel, which did not provide her with any meals. See Initial Decision at 2. Thereafter, on April 22, 2024, Petitioner re-entered the residential treatment facility and was again provided with her meals. Ibid. On May 13, 2024, Petitioner left the residential treatment facility and moved in to her parents' home, where she has continued to reside and is not provided meals. Id. at 3.

The Agency, by notice dated May 24, 2024, denied Petitioner's SNAP application of February 1, 2024, and found her ineligible for benefits effective March 1, 2024. Ibid. The notification stated that further action needed to be taken within thirty days of the date of the notice to keep the application open, however, the letter did not include any action(s) to be taken by Petitioner. Ibid. The letter was sent to Petitioner at the residential treatment facility address and was not received by Petitioner as she had departed the facility and was residing with her parents at the time it was mailed by the Agency. Ibid.



Individuals who are residents of an institution or group home are ineligible to participate in the SNAP benefits program. Ibid.; see also N.J.A.C. 10:87-2.2(b). Petitioner, at various times during each of her SNAP applications, was a resident of an institution or facility which was providing her with meals, thereby making her ineligible to receive SNAP benefits. See Initial Decision at 3-4. Based on the foregoing, the ALJ found that the Agency needed to determine which portion of Petitioner's time was spent residing in a facility which made her ineligible for receipt of SNAP benefits, and what portion of her time was spent residing in a place with no provision of meals, which may have made her eligible for receipt of SNAP benefits. See Initial Decision at 4. The Agency was aware that Petitioner spent time living in a motel, and then that she was residing at her parents' residence, prior to the denial of her application. Ibid. The ALJ concluded that Petitioner's eligibility, during the periods of time when she was not residing within an institution or facility that provided her meals, must be determined by the Agency. Ibid. I agree, and therefore direct the following. This matter is to be remanded to the Agency to expedite the evaluation of Petitioner's February 26, 2024, application to determine eligibility for the periods of March 21, 2024, to April 22, 2024, and from May 13, 2024, to the present. In addition, the Agency shall determine whether or not Petitioner fell within any of the exceptions of N.J.A.C. 10:87-2.4 while residing in the institution which would have required a further eligibility determination regarding SNAP benefits. If Petitioner is determined eligible for SNAP benefits during the periods referenced above, Petitioner shall be provided with retroactive SNAP benefits accordingly. See N.J.A.C. 10:87-8.18.

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

Officially approved final version. November 21, 2024

Natasha Johnson
Assistant Commissioner

