



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 **06164-23 P.L.**

AGENCY DKT. NO. **C005592010 (HUNTERDON COUNTY BD. OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's effective date of the increase in her Supplemental Nutrition Assistance Program ("SNAP") benefits. Petitioner seeks retroactive benefits for the months of January 2023 through March 2023. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A plenary hearing was initially scheduled for August 1, 2023, but was adjourned. The hearing was then rescheduled for three subsequent dates, but those dates were also adjourned. Finally, on January 9, 2024, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for Petitioner to submit a statement, and then closed on January 16, 2024. On January 25, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination that the increase in SNAP benefits was effective April 1, 2023.

No Exceptions to the Initial Decision were filed.

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.

SNAP benefits households are required to report changes within 10 days which can effect eligibility and/or allotment amount, including a change in income, either earned or unearned, and changes in residence, and changes in shelter costs. See N.J.A.C. 10:87-9.5(b)(1)(ii), (iv). When a change results in an increase in SNAP benefits, "the [Agency] shall make the change effective not later than the first allotment following the 10th day after the date the change was reported to the [Agency]." See N.J.A.C. 10:87-9.5(c)(3)(i).

Here, the record reflects that Petitioner was receiving SNAP benefits in December, 2022, when she was notified on December 27, 2022, by the State of New Jersey, Department of Community Affairs, that her portion of rent, for which she was responsible, under the Housing Assistance Program, was increasing, effective January 1, 2023, for the coming year. See Exhibit R-1 at 2. Despite being notified of the rent increase in late December, 2022, Petitioner did not notify the Agency of the rental cost increase until March 3, 2023. *Ibid.* As a result of the March 3, 2023, notification of the rental increase, the Agency recalculated Petitioner's SNAP benefits allotment, and then notified Petitioner on March 6, 2023, that her SNAP benefits allotment would increase from \$202 to \$224, effective April 1, 2023. *Id.* at 3, 5; see also N.J.A.C. 10:87-9.5(c)(3)(i). During the hearing before the ALJ, Petitioner conceded that she had not notified the Agency of the rental increase until March, 2023. See Initial Decision at 2, 4. Based on the foregoing, the ALJ found that the Agency had properly recalculated Petitioner's SNAP benefits allotment expeditiously upon notification of the rental increase in early March 2023, with the increase in SNAP benefits effective the month following the notification of same by Petitioner, and



as such, the Agency's action in this matter was proper and must stand. Id. at 4. Based on an independent review of the record, I agree.

By way of comment, only one adjournment of a SNAP case is permissible pursuant to applicable regulatory authority. See N.J.A.C. 1:10-9.1(a), (b), N.J.A.C. 10:87-8.6(a)(4)(i) and 7 C.F.R. 273.15(c)(4).

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

Officially approved final version. February 15, 2024

Natasha Johnson
Assistant Commissioner

