



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **05532-22 E.R.**

AGENCY DKT. NO. **S434848014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, contending that Petitioner's household gross monthly income exceeds the maximum permissible level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 28, 2022, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents.

On August 3, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on March 18, 2022, Petitioner applied for SNAP benefits, for a household comprised of two persons. See Initial Decision at 2; see also Exhibit R-1. On March 22, 2022, the Agency requested that Petitioner provide, no later than April 1, 2022, copies of her most recent paystubs, and copies of bank statements, child support information, and proof of residency. See Initial Decision at 2; see also Exhibit R-2. On March 30, 2022, and April 1, 2022, Petitioner provided the requested documents. See Initial Decision at 2; see also Exhibits R-3 through R-9. On April 13, 2022, Petitioner provided to the Agency, an unsigned letter from S.L., dated April 11, 2022, certifying that Petitioner would be taking care of S.L.'s children beginning April 11, 2022, at the rate of \$300 per week. See Initial Decision at 2-3; see also Exhibit R-10. After reviewing all of the documents provided by Petitioner, including the April 11, 2022, unsigned letter from S.L., the Agency was unable to determine Petitioner's total monthly household gross income, and on April 17, 2022, denied Petitioner's March 18, 2022, application. See Initial Decision at 3; see also Exhibit R-12, and N.J.A.C. 10:87-2.27(a). In its April 17, 2022, denial notice, the Agency advised Petitioner that if she provided a signed letter from S.L., within 30 days of the date of the April 17, 2022, notice, the Agency will reopen her SNAP application without requiring a new application. See Initial Decision at 3; see also Exhibit R-12 at 3, and N.J.A.C. 10:87-2.27(e)(1)(ii).

Petitioner provided the requested signed letter from S.L., dated May 17, 2022. See Initial Decision at 3; see also Exhibit R-11. The Agency reviewed the documentation Petitioner provided to the Agency on March 30, 2022, and April 1, 2022, specifically, paystubs from Petitioner's employer, and information related to Petitioner's household income, to wit, child support income and Supplemental Security Income ("SSI") benefits received on behalf of her child. See Initial Decision at 3; see also Exhibits R-7, R-8, R-9. The Agency also reviewed S.L.'s signed letter indicating that Petitioner was paid \$300 per week, beginning April 11, 2022. See Initial Decision at 3; see also Exhibit R-11. Based upon its review, the Agency determined that Petitioner's household monthly gross income totaled \$3,324. See Initial Decision at 3; see also Exhibit R-13. The maximum allowable monthly gross income level to receive SNAP benefits for a household of two is \$2,686. See Initial Decision at 3; see also N.J.A.C. 10:87-6.16, and Division of Family Development ("DFD") Instruction 22-09-02 at 14. Since Petitioner's monthly household gross income exceeded the maximum level allowable for receipt of SNAP



benefits, the Agency denied Petitioner's application, by notice dated May 19, 2022. See Initial Decision at 3; see also Exhibit R-14, and N.J.A.C. 10:87-5.1(a), -5.4(a), -5.5, -5.6, -5.9(a)(2)(iv).

Petitioner contends that she was never simultaneously employed at the temporary employment agency (hereinafter "temp agency") and as a babysitter, and that it was the Agency's obligation to verify her employment status and income. See Initial Decision at 4. Petitioner further argues that she was no longer employed at the temp agency, and that she had notified the Agency in early April, 2022, confirming this. Id. at 3. The ALJ found Petitioner not credible, and further found that Petitioner provided no confirmation that the letter confirming her final date of her employment had been sent prior to the Agency's May 19, 2022, denial of her SNAP application. Ibid. The ALJ also found that that was no reason for the Agency to question whether Petitioner was still employed at the temp agency, as Petitioner never informed the Agency that she was no longer employed there until weeks after the denial had been issued. Id. at 3, 5. Therefore, the ALJ concluded that there was no inconsistent, contradictory, or questionable income information provided to the Agency, which would lead it to question whether Petitioner was still employed at the temp agency. Id. at 5-6; see also N.J.A.C. 10:87-2.20. Accordingly, the ALJ affirmed the Agency's decision denying Petitioner SNAP benefits. See Initial Decision at 6; see also Exhibit R-14, and N.J.A.C. 10:87-2.25, -6.16(d)(2). Based on an independent review of the record, I agree with the conclusion of the ALJ.

Exceptions to the Initial Decision were filed by Legal Services on behalf of Petitioner on August 4, 2022.

As Assistant Commissioner, DFD, 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.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, Petitioner is without prejudice to reapply for SNAP benefits, if she has not already done so.

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

Officially approved final version.

October 5, 2022

Natasha Johnson
Assistant Commissioner

