



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 **06791-22 J.G.**

AGENCY DKT. NO. **C041736008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits contending that Petitioner had failed to provide requested information regarding a new source of household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for September 9, 2022, before the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"). On that date, during discussion between the parties and the ALJ, it was evident that Petitioner needed to provide additional information to the Agency, and additionally, Petitioner indicated that she wished to consult legal counsel. The matter was then rescheduled for September 21, 2022, and proceeded with the ALJ holding the plenary hearing via ZOOM, taking testimony, and admitting documents into evidence. On October 3, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, the ALJ's Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED, based on the discussion below.

Regulatory authority applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3.

Here, a review of the record reflects that, in March, 2022, a new hires match showed Petitioner with new income, more specifically, income working for her daughter, R.G. See Initial Decision at 3; see also Exhibit R-1. By notice dated March 11, 2022, Petitioner was to provide the Agency with paystubs within 10 days. Ibid. At the hearing before the ALJ, Petitioner testified that she receives funds from the Personal Preference Program ("PPP"), to pay for services performed for her daughter, who is a quadriplegic. See Initial Decision at 3; see also Exhibit R-4. On March 28, 2022, a wage verification form was sent to R.G., noting that it needed to be returned within 10 days. See Initial Decision at 3;



see also Exhibits R-2 – R-3. When the requested information was not received, Petitioner was advised by notice, dated May 18, 2022, that her SNAP benefits case would close effective June 1, 2022. See Initial Decision at 4; see also Exhibit R-8. On June 10, 2022, the Agency received a completed Wage Verification form from Petitioner, but the Agency could not determine the household income with the information provided. See Initial Decision at 4; see also Exhibit R-6. On the first scheduled hearing date of September 9, 2022, the ALJ requested that Petitioner submit a comprehensive list and accounting of expenditures with respect to the PPP funds, but none was forthcoming from Petitioner. See Initial Decision at 5-6. In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as all household income, both earned and unearned income. See N.J.A.C. 10:87-2.19, -2.20. Without said verification of required information, SNAP eligibility cannot be determined or granted. Ibid. Based on the foregoing, and given that Petitioner had been given multiple opportunities to provide the requested information, the ALJ found that the Agency’s termination of Petitioner’s SNAP benefits was proper and must stand. See Initial Decision at 10; see also Exhibit R-8 and N.J.A.C. 10:87-2.14. I agree.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits, but is reminded that all documentation and information necessary to determine eligibility must be provided as requested.

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

Officially approved final version.

November 29, 2022

Natasha Johnson

Assistant Commissioner

