



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
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 **08336-22 K.S.**

AGENCY DKT. NO. **C093037003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner challenges the correctness of the Respondent Agency's determination not to include a child in her Supplemental Nutrition Assistance Program ("SNAP") benefits household during the months of January, 2022, through May, 2022. The Agency did not include the child in Petitioner's SNAP benefits household during that time period because another SNAP household was already receiving SNAP benefits for the child. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 26, 2022, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 3, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

In accordance with N.J.A.C. 10:87-2.2(d)(2), "[u]nder no circumstances shall duplicate participation [in SNAP] occur. The child(ren) cannot be a part of two NJ SNAP households at the same time."

Here, the record reflects that Petitioner applied for SNAP benefits on January 12, 2022. See Initial Decision at 2; see also Exhibit R-A. With her application, Petitioner included a temporary custody order for her niece, H.D. See Initial Decision at 2; see also Exhibit R-B. On February 11, 2022, the Agency advised Petitioner that she was approved for SNAP benefits, but that she would not receive benefits for H.D. because of duplicate benefits, meaning that another SNAP household was already receiving benefits for H.D. See Initial Decision at 2; see also Exhibit R-C and N.J.A.C. 10:87-2.2(d)(2). On May 12, 2022, Petitioner submitted her Interim Reporting Form ("IRF"), noting that H.D. was an addition to the household, and including a court order, dated February 1, 2022, indicating the granting of sole legal custody of H.D. See Initial Decision at 2; see also Exhibits R-D, R-E. Thereafter, the Agency notified Petitioner that, based on the submitted IRF and verifying documentation, her SNAP benefits would be recalculated to include H.D. for the months of June and July, 2022, and increased accordingly. See Initial Decision at 2; see also Exhibit R-G. Petitioner asserts that she should have been receiving SNAP



benefits on behalf of H.D. since January, 2022, but admits that she should have notified the Agency that she had been granted sole legal custody when that had occurred in early February, 2022. See Initial Decision at 2-3. The ALJ in this matter found that Petitioner had not advised the Agency of the granting of sole custody until the submission of her IRF form on May 12, 2022. See Initial Decision at 4. Citing applicable regulatory authority, that no two SNAP households may receive benefits for a child at the same time, the ALJ concluded that the Agency had acted properly in denying inclusion of H.D. at the time of Petitioner's application in January, 2022, and had adjusted the household, and corresponding SNAP benefit allotment amount, effective June 1, 2022, after submission of Petitioner's IRF and verifying documentation in May, 2022. See Initial Decision at 4-5; see also N.J.A.C. 10:87-2.2(d)(2). Based on the foregoing, the ALJ affirmed the correctness of the Agency's determination in this matter. See Initial Decision at 5. I agree.

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

Officially approved final version. December 7, 2022

Natasha Johnson
Assistant Commissioner

