



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 **07746-22 R.C.**

AGENCY DKT. NO. **C103447008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP"), and Work First New Jersey/General Assistance ("WFNJ/GA"), benefits. The Agency terminated Petitioner's SNAP benefits because he no longer resides in the county, and terminated his WFNJ/GA benefits, and imposed a period of ineligibility for WFNJ/GA benefits, due to Petitioner's receipt of a lump sum of Unemployment Insurance Benefits ("UIB"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 30, 2022, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On October 13, 2022, the ALJ issued an Initial Decision, affirming the Agency's terminations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 terminations, as discussed below.

In accordance with N.J.A.C. 10:87-3.2, a SNAP household must be a resident of the county in which they file an application for participation, and may not participate in more than one county in any month, unless the individuals have moved into a shelter for battered women and children.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's ("AU") countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for a WFNJ/GA benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA AU, with benefit of the appropriate disregards set forth in N.J.A.C. 10:90-3.8 for earned income, if applicable, is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). Effective July 1, 2019, the benefit level for an employable WFNJ/GA AU, consisting of one person, is \$185 per month. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") No. 19-21.



When a nonrecurring earned or unearned lump sum payment is received, that income shall be used to repay assistance granted in accordance with the agreement to repay. After the agreement to repay is satisfied, any lump sum remaining will be added together with all other countable income received that month by the eligible assistance unit after application of the appropriate disregards. N.J.A.C. 10:90-3.18(c). An appropriate disregard is considered as money spent to “purchase items that are integral in promoting self-sufficiency, such as the purchase of a first vehicle, vehicle repairs or essential household items.” N.J.A.C. 10:90-3.18(c)(1). If the remaining amount exceeds 200 percent of the payment level for the assistance unit size then the assistance unit is ineligible for the number of full months derived by dividing this total income by the payment level applicable to the eligible assistance unit size. See N.J.A.C.10:90-3.18(d); see also DFD IT 19-21. Similarly, if the assistance unit has spent the lump sum, and cannot provide a supporting spend down of the funds, the assistance unit is deemed ineligible for the full months derived by dividing the lump sum by the applicable payment level. Ibid.

Here, the record in this matter reflects that Petitioner was issued retroactive UIB benefits in February, 2022, totaling \$10,965. See Initial Decision at 3; see also Exhibit R-1 at 23. When the Agency learned this in March 2022, it closed Petitioner’s WFNJ/GA case because the lump sum income exceeded the maximum income for receipt of continued WFNJ/GA benefits. See Initial Decision at 3; see also Exhibit R-1 at 28 and N.J.A.C. 10:90-3.5(b). Further, as a result of the receipt of the lump sum, Petitioner was disqualified from receipt of WFNJ benefits for a period of 26 months, effective April 1, 2022. See Exhibit R-1 at 28, 29; see also N.J.A.C.10:90-3.18(d) and DFD IT 19-21. Petitioner maintained that he had spent the lump sum to pay outstanding bills. See Initial Decision a 12. However, Petitioner has failed to provide any corroborating evidence support that contention and thus mitigate the period of disqualification, and as such, the ALJ in this matter concluded that the termination of Petitioner’s WFNJ/ GA benefits, and the imposition of a 26 month period of ineligibility for WFNJ benefits was proper. See Initial Decision at 14; see also Exhibit R-1 at 28. I agree.

With respect to the termination of Petitioner’s SNAP benefits, the record reveals that said benefits were terminated because the Agency had determined that Petitioner no longer resided in Gloucester County. See Initial Decision at 10, 11, 12; see also Exhibit R-1 at 35 and N.J.A.C. 10:87-3.2. The ALJ in this matter carefully reviewed the facts in this matter regarding Petitioner’s use of two different addresses, one in Gloucester County, one in Cumberland County. See Initial Decision at 8-12. Ultimately, the ALJ concluded that the Agency had correctly determined that Petitioner no longer resided in Gloucester County, and as such, the termination of Petitioner’s SNAP benefits case in Gloucester County was correct. Id. at 12, 14; see also see also Exhibit R-1 at 35 and N.J.A.C. 10:87-3.2. Based on an independent review of the record, I also agree.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits in this county of residence.

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

Officially approved final version. November 1, 2022

Natasha Johnson
Assistant Commissioner

