



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 **03084-22 T.D.**

AGENCY DKT. NO. **S445765014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner challenges the correctness of the Respondent Agency's calculations of Supplemental Nutrition Assistance Program ("SNAP") benefits. Petitioner's eligible monthly SNAP benefits allotment was reduced, at recertification, due to the household's increase in unearned income, in the form of Retirement, Survivors and Disability Insurance ("RSDI") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic plenary hearing was originally scheduled for May 5, 2022, but was adjourned. On May 19, 2022, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On June 2, 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.

Households determined eligible for SNAP benefits are certified for said benefits for a definite period of time. See N.J.A.C. 10:87-6.20. County Welfare Agencies ("CWAs") assign the longest certification periods possible based upon the predictability of the household's circumstances. Ibid. In households which contain adult members who are all elderly or disabled, the certification period assigned is for up to 24 months, with at least one CWA contact every 12 months. Ibid.; see also N.J.A.C. 10:87-9.5(a) (stating that in households which contain all elderly or disabled adults with only unearned income, the certification period is for 24 months, with a 12-month interim contact). In such instances, an Interim Reporting Form ("IRF") is sent to the household at the 12-month interim contact point. See N.J.A.C. 10:87-9.5(a)(3).

When a federally mandated change to unearned income occurs, which thereafter results in a reduction or termination of SNAP benefits, regulatory authority states that no fair hearing may be given on that



mass change. See N.J.A.C. 10:87-8.2A. However, if the household believes the benefits amount was incorrectly calculated by the Agency, the household shall be given the opportunity for a fair hearing. Ibid.

The transmittal and the record in this matter reflect that Petitioner requested a fair hearing on February 25, 2022, after his RSDI benefits had been increased from \$1314 to \$1392 in December 2021, resulting in a reduction of his entitled monthly SNAP benefits allotment from \$40 to \$20. See Exhibit R-1. It should be noted that this was an across the board increase, to all RSDI benefits recipients, and as such, it is considered a mass change, for which a fair hearing is not given. See N.J.A.C. 10:87-8.2A. However, Petitioner is permitted to challenge the Agency calculations of his benefits allotment. Ibid.

As correctly indicated in the Initial Decision, during the pandemic, Petitioner had been receiving the maximum SNAP benefits allotment for his household size of one person, currently \$250, which was a combination of his prior monthly eligible SNAP benefits allotment of \$40, plus the SNAP emergency allotment of \$210. See Initial Decision at 3. The SNAP emergency allotments have been in place as a result of The American Rescue Plan Act of 2021, and bring all eligible SNAP households' benefits allotment amounts to the maximum for each respective household size, regardless of the household's actual SNAP benefits allotment. See DFDI Instruction ("DFDI") 21-07-01. As also stated in the Initial Decision, Petitioner first received a SNAP emergency allotment, combined with his actual SNAP eligible allotment amount, for the total of the then maximum SNAP allotment for a household of one person of \$234. See DFDI 20-09-04. Effective October 1, 2021, the annual cost-of-living adjustments for SNAP cases was implemented, which changed the maximum SNAP allotment for a household of one person to \$250. See DFDI 21-09-01 at 13. While all SNAP benefits households are continuing to receive the SNAP emergency allotments, in addition to their actual eligible allotment amount, it should be noted that such will not continue indefinitely, and thus, at some point in the future, Petitioner will only receive his actual eligible allotment amount.

With respect to Petitioner's current actual eligible allotment amount, the record in this matter shows that Petitioner's current certification period for SNAP benefits will run through December 31, 2023. See Exhibit R-1; see also N.J.A.C. 10:87-9.5(a). The record also reflects that, in accordance with applicable regulatory authority, the Agency sent Petitioner a Recertification application, by which Petitioner was to report any changes in income or expenses and which are utilized in the SNAP benefits calculations. See Exhibit R-1. As a result of Petitioner's submission of the Recertification application, Petitioner's monthly eligible SNAP benefit allotment was reduced from \$40 to \$20. See Exhibit R-1. Based upon an independent review of the record, I agree with the calculations performed by the Agency, establishing Petitioner's current eligible SNAP benefits amount as \$20. See Exhibit R-1; see also N.J.A.C. 10:87-6.16.

It should be noted that Petitioner's actual eligible SNAP benefits allotment will continue through the remainder of his certification period, but may possibly increase when the new annual cost-of-living adjustments for SNAP cases are released and take effect on October 1, 2022. Further, Petitioner will continue to receive the maximum SNAP benefits allotment for his household size until such time as the SNAP emergency allotments cease; it should also be noted that Petitioner was, in fact, also receiving the maximum SNAP benefits allotment in March, 2022, when his actual eligible allotment amount was reduced. See Initial Decision at 3.

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

Officially approved final version.

June 28, 2022

Natasha Johnson

Assistant Commissioner

