



State of New Jersey

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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 **14901-25 J.M.**

AGENCY DKT. NO. **C338204007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner challenges the correctness of the Respondent Agency's reduction of her monthly Supplemental Nutrition Assistance Program ("SNAP") benefits allotment, at recertification. Petitioner's SNAP benefits allotment was reduced, at recertification, due to a change in household composition. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 25, 2025, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On November 3, 2025, 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 MODIFIED, and the Agency determination is AFFIRMED, based on the discussion below.

Agency's determination, based on the discussion below.

N.J.A.C. 10:87-2.2(a)(3) states that a household is comprised "a group of individuals living together for whom food is purchased in common and for whom meals are prepared together for home consumption[.]" Further, N.J.A.C. 10:87-2.2(b) states that individuals, or groups of individuals who are residents of an institution, may not participate in the SNAP program.

Finally, N.J.A.C. 10:87-2.4(a) provides, "Individuals shall be considered residents of an institution when the institution provides them with the majority of their meals (over 50 percent of three meals daily) as part of the institution's normal services. Residents of institutions are not eligible for participation in the NJ SNAP program[.]"

Here, the record shows that, in July 2025, as a result of a recertification for benefits, the Agency recalculated Petitioner's SNAP benefits allotment amount based on a change in Petitioner's household composition, namely, one household member, Petitioner's son, was a college student residing on campus, and as such could no longer be included in the SNAP household. See Initial Decision at 2-3; see also Exhibit R-1 and N.J.A.C. 10:87-2.2(a)(3). During Petitioner's prior certification period, Petitioner's SNAP benefits allotment was the maximum for a household size of three persons, \$768. See DFD Instructions ("DFDI") 24-10-04 at 12. At recertification, effective September 1, 2025, using the revised household composition of two persons, Petitioner's SNAP benefits allotment was reduced to \$536, the maximum allotment for that household size, but resulting in a decrease to Petitioner's monthly SNAP benefit amount by \$232. See Initial Decision at 2-3; see also N.J.A.C. 10:87-6.16 and DFDI 24-10-04 at 12. Based on the foregoing, the ALJ concluded



that the Agency's determination of Petitioner's monthly SNAP benefits allotment, based on Petitioner's revised household composition, was proper and must stand. See Initial Decision at 4. I agree.

Petitioner also contended that she was entitled to continued SNAP benefits, at an unreduced amount, pending the outcome of the fair hearing in this matter. See Initial Decision at 4. N.J.A.C. 10:87-8.7(a) provides, in pertinent part, "If a household requests a fair hearing within 15 days of the mailing of an adverse action notice and the certification period has not expired, participation shall be continued consistent with the benefit level authorized immediately prior to the notice of adverse action [.]" (emphasis added). The record in this matter shows that Petitioner's certification had, in fact, ended August 31, 2025, with a new certification period beginning September 1, 2025. See Initial Decision at 2. As such, because Petitioner's prior certification period had ended, Petitioner was not entitled to continued SNAP benefits in an unreduced amount pending the fair hearing in this matter. See N.J.A.C. 10:87-8.7(a). The Initial Decision is modified to reflect this finding.

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

Officially approved final version. December 04, 2025

Natasha Johnson
Assistant Commissioner

