



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 **16405-24 M.L.**

AGENCY DKT. NO. **C041017019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency reduced Petitioner's SNAP benefits, contending that Petitioner's receipt of new monthly unearned income required a recalculation, which resulted in a reduction of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 7, 2025, the Honorable Aurelio Vincitore, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On March 24, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on April 1, 2025.

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 MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, 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. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits, pension and retirement benefits for both adults and children in the household. See N.J.A.C. 10:87-5.5(a)(2).

Here, Petitioner provided the Agency with verifications for the recertification of his SNAP benefits on June 23, 2024. See Initial Decision at 3. The Agency performed a standard income database check to confirm all sources of income for Petitioner during August 2024. Ibid. That income database, regularly used and information from which, is relied upon by the Agency in the normal course of business, reflected that Petitioner was receiving \$1,708 monthly from Retirement, Survivors and Disability Insurance ("RSDI"). Ibid.; see also Exhibit R-1 at DOVE lookup. Based on that information, on August 16, 2024, the Agency sent Petitioner a notice informing him that his monthly SNAP benefits would be reduced from \$291 per month to \$23 per month. See Initial Decision at 3. Petitioner additionally receives unearned income of \$497 per month from his mother through direct assistance, and, when added to the purported RSDI benefits, totaled a monthly gross income of \$2,007 after the application of the standard deductions. See Initial Decision at 3; see also Exhibit R-1. On August 27, 2024, the Agency sent Petitioner an additional notice, advising that his monthly SNAP benefits would total \$95 per month due to the minimum household benefit for SNAP households under N.J.A.C. 10:87-13.2. Ibid. The ALJ in this matter concluded that the Agency's reduction of Petitioner's SNAP benefits allotment amount was proper and must be upheld. Ibid. Based upon an independent review of the record, although the income database information, relied upon by the Agency, showed that Petitioner was issued monthly RSDI benefits as of March 2024, there is no indication that Petitioner actually received or benefitted from this income.



The Initial Decision in this matter included no summary of the testimonial evidence provided by Petitioner, however, as documentary evidence has been entered into the record and included, an independent review of the record corroborates Petitioner's assertion that he has never received, and never kept, any funds from RSDI. See Exhibit P-1. Petitioner provided copies of faxes dated August 29, 2024, and September 12, 2024, stating that he requested that the Social Security Administration ("SSA") not continue a withdrawal of his Social Security funds, and that he wished to cancel his planned early withdrawal of such funds. See Exhibit P-1. In addition, Petitioner contends that he returned a check, in the amount of \$8,540 (representing the total of five months of benefits from March 2024, through July 2024, paid at \$1,708 per month), to the SSA on August 6, 2024, and provided receipt of same from the SSA. See Exhibit P-1. Petitioner further provided information regarding the cancellation of a debit card received from the SSA. See Exhibit P-1. As such, while the Agency drew a conclusion from the regularly relied upon database, that Petitioner was in receipt of a new source of income, there is no proof provided that Petitioner actually received such income, and in fact, he presents evidence to substantiate that he returned the benefits check issued to him by the SSA. See Exhibit P-1.

Accordingly, I am remanding this matter back to the Agency for action as follows. The Agency shall recalculate Petitioner's SNAP benefits allotment, excluding the previously included RSDI benefits amount in the allotment calculations. Petitioner is to then be provided with the balance of the monthly retroactive SNAP benefits to September 1, 2024, the effective date of the reduction of benefits. See N.J.A.C. 10:87-8.18. The Initial Decision is modified to reflect these findings, as well as to modify that all references to Supplemental Security Income ("SSI") benefits should, in fact, be Retirement, Survivors and Disability Insurance ("RSDI") benefits.

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

Officially approved final version. April 17, 2025

Natasha Johnson
Assistant Commissioner

