



State of New Jersey

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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 **08227-26 L.W.**

AGENCY DKT. NO. **C198351015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, contending he was ineligible for receipt of such benefits as he was residing within an institution which was providing his meals at the time of his application. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for June 30, 2026, at which time an adjournment was granted so that Petitioner could submit additional documentation and the Agency could review same. On July 16, 2026, the Honorable John K. Maloney, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On July 29, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner's representative on August 3, 2026.

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

Here, the record reflects that Petitioner applied for SNAP benefits on January 21, 2026. See Initial Decision at 2. On February 9, 2026, the Agency denied Petitioner's application for benefits, indicating that his monthly household income exceeded the maximum monthly income limit for receipt of SNAP benefits, and because residents of institutions, pursuant to N.J.A.C. 10:87-2.4, are ineligible to participate in SNAP. See Initial Decision at 2-3; see also Exhibit R-1. Thereafter, the Agency was able to review and accept medical-related cost documentation which reduced Petitioner's monthly income such that his income would allow him to be income eligible for receipt of SNAP benefits. See Initial Decision at 3. However, the Agency contended that Petitioner is a resident of an institution which provides him with his meals, and as such, he remains ineligible for SNAP benefits. Ibid.

The record indicates Petitioner resides in an apartment within an independent-living community, for which he executed a Residency Agreement. See Initial Decision at 3; see also Exhibit R-5. Petitioner has access to a kitchen within his apartment, and can prepare his own meals, if he so chooses, however, the Residency Agreement terms indicate that Petitioner will be provided with three meals daily, which are included in the monthly contracted rate for his residence. Ibid. At the time of the hearing, Petitioner provided testimony that he is only provided breakfast and dinner based upon the terms of his Residency Agreement, and that he pays an additional \$200 per month for daily lunches. Ibid. Petitioner contends that, due to his medical issues, he is unable to consume all of the food provided and needs to supplement the meals with dietary restricted foods. Ibid.



Individuals who are residents of an institution or group home are ineligible to participate in the SNAP benefits program. See Initial Decision at 3-4; see also N.J.A.C. 10:87-2.2(b). Petitioner does not fall within any of the specified exceptions set forth at N.J.A.C. 10:87-2.4(a)(1)-(5). See Initial Decision at 4. Although the term “institution” is not specifically defined within the regulation, the ALJ found that, “if a place of habitation provides more than fifty percent of three meals daily to its residents, it is an ‘institution’ and the people living there are ‘residents of an institution.’” See Initial Decision at 4-5. This finding is further bolstered by the ALJ’s reliance upon a June 2, 2022 USDA Guidance Memorandum, quoted within the Initial Decision. See Initial Decision at 5.

The Residency Agreement in this matter states within its terms that Petitioner is provided with meals based upon his contracted price for the housing, and, based upon the documentary and testimonial evidence presented, Petitioner has stated that he receives two meals per day, and pays an additional fee to receive lunch. See Initial Decision at 6; see also Exhibit R-5. Based on the foregoing, the ALJ concluded that Petitioner, regardless of his dietary restrictions, is provided with more than fifty percent of his meals, and as such is ineligible for receipt of SNAP benefits under the regulatory authority of N.J.A.C. 10:87-2.4. *Ibid.* I agree.

By way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter. I note that the Exceptions indicate that Petitioner made submissions of documents related to this hearing on May 1, 2026, and supplemental submissions on June 30, 2026. While the submissions were received by the ALJ, they were not entered into evidence and as such the Initial Decision in this matter indicates “None” on the Appendix page in relation to Petitioner’s Exhibits. Furthermore, I am not permitted to consider submissions by either party which were not entered into evidence and considered by the ALJ below in rendering the Initial Decision. See N.J.A.C. 1:1-18.4(c) (“Evidence not presented at the hearing shall not be submitted as part of an exception, nor shall it be incorporated or referred to within exceptions.”).

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

Officially approved final version. September 24, 2026

Natasha Johnson
Assistant Commissioner

