



State of New Jersey

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **06176-25 M.A.**

AGENCY DKT. NO. **C441005016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of her application for Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits due to Petitioner's immigration status. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The hearing in this matter was initially scheduled for June 23, 2025, but was rescheduled for July 14, 2025. On August 7, 2025, the matter was conferenced, and rescheduled for August 21, 2025. At that time, there was a determination that the matter would be decided on the papers and the record was held open through December 23, 2025, to allow for the submission of documentation and argument. On December 23, 2025, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), closed the record in this matter. On January 5, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

An Exception to the Initial Decision was filed by the Agency on January 20, 2026.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby MODIFY the Initial Decision and AFFIRM the Agency determination in this matter, based on the discussion below.

Here, the record reveals that Petitioner, a Guatemalan national, applied for SNAP benefits on January 9, 2025. See Initial Decision at 2. Based upon the information contained in her SNAP application, the Agency verified Petitioner's immigration status via U.S. Citizenship and Immigration Services and determined that the SNAP application should be denied because Petitioner was not a qualified alien pursuant to the applicable SNAP regulation, and denied her application on February 7, 2025. See Initial Decision at 2; see also Exhibits R-5, R-6, and N.J.A.C. 10:87-3.8.

Although Petitioner testified at the hearing that she had resided within the United States since May or June, 1996, and has remained in the United States since that time, based upon the documentation submitted by Petitioner, there is no evidence that Petitioner gained any legal status within the United States prior to obtaining her "green card" on February 10, 2021. See Initial Decision at 2; see also Exhibit P-1. As to this criterion, the ALJ concludes that Petitioner had not been legally in the country for five years as of the date of the Initial Decision, which is required for receipt of SNAP benefits. See Initial Decision at 7; see also N.J.A.C. 10:87-3.8(f)(6).

For purposes of a complete analysis, I acknowledge that Petitioner argues that she entered the United States in 1974, then returned to Guatemala in December, 1984, ultimately re-entering the United States in May, 1996 or June, 1996, which may impact her ability to receive SNAP benefits. See Initial Decision at 2; see also Exhibit P-5. Although Petitioner



argues that she entered the United States prior to August 22, 1996, she did not obtain qualified immigrant status until 2021, and the record is inconclusive in attempting to make a determination that she was “continuously present” in the United States from her date of entry prior to August 22, 1996, until she obtained qualified immigrant status.

The record in this matter is further complicated by the fact that Petitioner applied for, and began to receive, Aged, Blind and Disabled (“ABD”) Medicaid on October 1, 2021. See Initial Decision at 2; see also Exhibit R-11. Thereafter, on April 30, 2024, Petitioner’s Medicaid benefits were terminated, which prompted Petitioner to file a request for a Medicaid fair hearing on May 1, 2024, which restored her Medicaid benefits pending the outcome of such hearing. See Initial Decision at 3; see also Exhibit R-12. While awaiting the scheduling of the Medicaid fair hearing, Petitioner was approved for a Medicaid program known as Managed Long-Term Services and Supports (“MLTSS”). See Initial Decision at 3; see also Exhibit P-3.

As of the date of the fair hearing in this matter, Petitioner’s Medicaid fair hearing had not yet been transmitted to OAL to be scheduled for a hearing. See Initial Decision at 3. In opposition to Petitioner, the Agency contends that Petitioner was improperly granted Medicaid benefits, and that basing SNAP benefits eligibility upon improperly granted Medicaid benefits, which are continuing to be provided solely because a hearing is pending, is not appropriate.

I note here that at the time of her SNAP application on January 9, 2025, Petitioner was receiving Transitional Medicaid with Home and Community-Based services, while her Medicaid appeal remained pending. There is no regulatory language which suggests that the clinical evaluation utilized to determine eligibility for Home and Community-Based services is equal to a disability determination made under federal Supplemental Security Income (“SSI”) criteria. Thus, the Agency argues that Petitioner is not receiving a disability-related Medicaid, or any assistance which meets the disability definition for NJ SNAP pursuant to N.J.A.C. 10:87-3.8(g)(3).

The legal analysis in this matter is multi-pronged, but ultimately a determination must be made as to whether Petitioner is a “qualified eligible alien” pursuant to the applicable regulatory language at N.J.A.C. 10:87-3.5.

First, the ALJ concludes that Petitioner does not meet eligible alien criteria outlined at N.J.A.C. 10:87-3.8(d)(1) - (d)(5). See Initial Decision at 5-6. I agree. Next, the ALJ analyzes N.J.A.C. 10:87-3.8(e), which outlines the special criterion for qualified aliens to participate in the SNAP program. See Initial Decision at 6. The ALJ concludes that Petitioner does meet the criteria of N.J.A.C. 10:87-3.8(e)(2) “A lawfully admitted alien for permanent residence (I-551 form) (holders of green cards),” so based upon this qualified alien status, she must then meet one of the special criteria of N.J.A.C. 10:87-3.8(f) in order to be eligible for SNAP benefits. See Initial Decision at 6. The ALJ further concludes that the only potential special criteria that Petitioner meets is contained within N.J.A.C. 10:87-3.8(f)(4), that “He or she is lawfully in the U.S., regardless of date of entry and receiving disability benefits[.]” Ibid. Thereafter, the ALJ analyzes the procedure set forth in N.J.A.C. 10:87-3.8(g)(3) to determine if Petitioner is disabled for SNAP purposes. The regulation states: “persons receiving disability-related Medicaid...may be considered disabled for NJ SNAP purposes if they are determined disabled using Federal SSI criteria. State General Assistance or medical programs that use a medical practitioner’s statement in order to determine that an immigrant meets the SSI disability criteria shall meet the disability criteria under the NJ SNAP program.” See Initial Decision at 6-7.

As Petitioner has not been present in the United States legally for five years, as of the date of the Initial Decision, the ALJ reasons that Petitioner must qualify under N.J.A.C. 10:87-3.8(f)(4). See Initial Decision at 7. The ALJ then analyzes if Petitioner’s receipt of MLTSS benefits should qualify Petitioner as an individual “receiving disability benefits” pursuant to the regulatory language at N.J.A.C. 10:87-3.8(g)(3), if MLTSS meets the definition of “disability-related Medicaid.” Ibid. The ALJ then shifts his analysis to the definition of “disabled” at N.J.A.C. 10:87-2.34, which is defined, as relevant, at N.J.A.C. 10:87-2.34(a)(11). See Initial Decision at 7-8. Here, the ALJ finds that Petitioner may be eligible under 10:87-2.34(a)(11)(i), as she is an individual who is receiving Medicaid Only (Aged, Blind, and Disabled). See Initial Decision at 8. The next step in the ALJ’s analysis is determining whether Petitioner is receiving Medicaid benefits as a “disabled individual,” which he analyzes under N.J.A.C. 10:87-3.8(g)(3). See Initial Decision at 9. In parsing out the regulatory language, the ALJ emphasizes the language that “Persons are considered disabled for NJ SNAP purposes if they are...receiving disability-related Medicaid...may be considered disabled for NJ SNAP purposes if they are determined disabled using Federal SSI criteria. State General Assistance or medical programs that use a medical practitioner’s statement in order to determine that an immigrant meets the SSI disability criteria shall meet the disability criteria under the NJ SNAP program.” Ibid.

As the ALJ acknowledges, the question regarding the appropriateness of the termination of Petitioner’s Medicaid benefits remains an open issue until such matter can be heard and a decision rendered. See Initial Decision at 10. Currently, however, pursuant to N.J.A.C. 10:72-5.2, Petitioner is receiving a continuation of Medicaid benefits until the Medicaid appeal results in a Final Agency Decision. Ibid. The request for a Medicaid fair hearing by Petitioner is what triggered the reinstatement and continuation of Medicaid benefits to Petitioner. See Initial Decision at 11. However, the determination



as to Petitioner's Medicaid benefits is not, and cannot, be before the ALJ in this matter, nor the subject of this Final Agency Decision. See Initial Decision at 12.

Ultimately, the ALJ in this matter concludes that Petitioner meets the definition of a qualified alien pursuant to N.J.A.C. 10:87-3.8(b)(1) and that MLTSS should be considered "disability related" Medicaid for purposes of SNAP eligibility pursuant to N.J.A.C. 10:87-2.34(a)(11) and that Petitioner meets the definition of a "disabled person" pursuant to N.J.A.C. 10:87-3.8(g)(3). See Initial Decision at 13. Accordingly, the ALJ concluded that the Agency's denial of SNAP benefits to Petitioner was improper and must be reversed. *Id.* at 13-14. Respectfully, while the Initial Decision in this matter is both thorough and sets forth a viable legal argument, I do not believe the determination as to whether Petitioner is a "disabled person," within the regulatory language, nor whether MLTSS is a "disability related" program can be determined without additional documentation and/or testimony. Thus, I do not believe a determination as to SNAP benefits can be reached until the underlying Medicaid matter is decided. Specifically, if Petitioner is found to be eligible for SNAP at this time and the Medicaid matter is later upheld to affirm the termination of such benefits, Petitioner would be responsible for the overpayment of any SNAP benefits, predicated upon the improper reliance upon her continuing benefits pending a Medicaid hearing. I am therefore modifying the Initial Decision in this matter such that, should Petitioner be found eligible for Medicaid benefits for the period of January, 2025 through the date of the Final Agency Decision in this matter, she be entitled to consideration of her eligibility for retroactive SNAP benefits for that time period. Accordingly, I affirm the Agency's denial of SNAP benefits in this matter.

By way of comment, I have reviewed the Exceptions submitted on behalf of the Agency, and I find that the arguments made therein do not alter my decision in this matter. However, the Exceptions filed by the Agency do shed further light on Petitioner's receipt of ABD Medicaid benefits, beginning October 1, 2021. Petitioner began to receive such benefits due to the expansion of the Affordable Care Act ("ACA"), which provided coverage for individuals under 65 years of age based solely upon their income, up to 138% of the Federal Poverty Level. At the time of her application, the Public Health Emergency related to COVID-19 may have also contributed to medical coverage being provided to individuals who would not have otherwise been eligible due to their non-citizen status. During 2023, the Public Health Emergency ended which resulted in an "unwinding" process including a reconsideration of all Medicaid recipient eligibility. Additionally, Petitioner turned sixty-five years of age, which was beyond the age for coverage under the ACA. During this time period, effective February 1, 2023, Petitioner was provided with "Transitional Medicaid," which continued medical benefits until such time as her case could be evaluated. During the receipt of such Transitional Medicaid, Petitioner applied for MLTSS on April 11, 2024, which application was denied on April 30, 2024, due to Petitioner not meeting the citizenship criteria for same. Petitioner then appealed the April 30, 2024 denial of MLTSS, which allowed her Medicaid case to be reopened in August, 2024, with an effective date of May, 2024, and providing Petitioner with continued benefits until a hearing could be held on such denial.

By way of further comment, Petitioner is without prejudice to reapply for SNAP benefits, should her circumstances change.

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

Officially approved final version. May 07, 2026

Natasha Johnson
Assistant Commissioner

