State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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STEPHEN CHA, MD, MHSR
Commissioner

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 **13066-26 P.D.**

AGENCY DKT. NO. **C204285009** (**HUDSON COUNTY DEPT OF FAM SVCS**)

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits, due to excess income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2026, the Honorable Gerard Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 28, 2026, the ALJ issued an Initial Decision, reversing the Agency's termination and directing the Agency provide retroactive benefits to Petitioner.

No Exceptions to the Initial Decision were received.

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, as discussed 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.

Unearned income is defined within N.J.A.C. 10:87-5.5 and includes "Support and alimony payments made directly to the household from nonhousehold members." See N.J.A.C. 10:87-5.5(a)(5) (emphasis added). Further, non-recurring arrearages on child support and alimony payments made directly to the household are considered lump sum payments. Recurring court-ordered arrearages on child support and alimony payments made directly to the household are considered as unearned income. Ibid.

Here, the record reveals that Petitioner received earned income of $3,467.20 per month and a court order is in place for the non-custodial parent to pay $706.28 per month in child support. See Initial Decision at 2. The actual child support payments, as documented within the record, are sporadic, and currently Petitioner is owed more than $40,000 in child support arrears. Ibid. In May, 2026, Petitioner was owed $706.28 in child support, however, she received $489. Ibid. Similarly, during June, 2026, Petitioner received $153 in child support and in July, 2026, she received $459. See Initial Decision at 3.

Based upon the testimonial and documentary evidence presented at the hearing, the ALJ found that the Agency's calculation of Petitioner's unearned income, by way of child support, for purposes of SNAP eligibility, should only include actual amounts of child support received, rather than the amount of the child support obligation. See Initial Decision at 3. I agree with the ALJ's conclusion, and as such, I am remanding the matter to the Agency for a recalculation of Petitioner's

SNAP benefits eligibility. If Petitioner is determined to be eligible for SNAP benefits, Petitioner is to be provided with retroactive benefits to the effective date of termination. See N.J.A.C. 10:87-8.18. Should the reevaluation of Petitioner's SNAP eligibility result in a denial of said benefits, Petitioner may request another fair hearing on that substantive denial. The Initial Decision is modified to reflect these findings.

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

Officially approved final version. October 20, 2026

Natasha Johnson
Assistant Commissioner