



State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 14797-19 M.A.

AGENCY DKT NO. C705369007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner challenges the correctness of Respondent Agency's calculation of her Supplemental Nutrition Assistance Program ("SNAP") benefits amount. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 4, 2019, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. The record remained open to permit the parties to submit documents referenced at the hearing. Having received no additional documents, the record closed on November 8, 2019. On November 26, 2019, the ALJ issued an Initial Decision, affirming/reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

A household may request a hearing on any action by the [Agency] or loss of benefits which occurred in the prior 90 days. See N.J.A.C. 10:87-8.5.

A recipient of an Interim Reporting Form ("IRF") must complete it by providing corrections if needed, or indicate that there are no changes, and return the completed signed and dated IRF to the Agency by the designated date. If either no contact is made, or the verification is not timely received, the case will close. See N.J.A.C. 10:87-9.5(a)(3)(i).

Here, the record reflects that Petitioner had received \$57 per month in SNAP benefits, for the period beginning March, 2018, through May, 2018. See Initial Decision at 2; see also Exhibit R-2. On April 18, 2018, the Agency advised Petitioner that she had not returned her IRF, and that she had 10 days from that date, in which to return the IRF to the Agency, or her SNAP benefits would be terminated. See Initial Decision at 2; see also Exhibit P-3. Petitioner did not return the IRF, and therefore, the Agency terminated Petitioner's SNAP benefits, effective June 1, 2018. See Initial Decision at 2; see also



N.J.A.C. 10:87-2.15, -9.5(a)(3)(i). I also note that the record is devoid of any indication that Petitioner challenged the \$57 benefit amount in 2018. See N.J.A.C. 10:87-8.5.

In November, 2018, after re-applying, Petitioner was approved for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at 4. Petitioner received \$58 in monthly SNAP benefits, beginning November, 2018, through March, 2019. See Initial Decision at 2; see also Exhibit R-2. On March 24, 2019, Petitioner was notified that her SNAP benefit amount had increased because she, as a recipient of Supplemental Security Income ("SSI") benefits, qualified for a higher utility deduction when the Agency determined her SNAP benefit amount. See Initial Decision at 2; see also Exhibit P-4, and N.J.A.C. 10:87-6.16(b)(9), -12.1(c)(1). Accordingly, Petitioner's SNAP benefit amount increased to \$126 per month, effective April 1, 2019. See Initial Decision at 2; see also Exhibit R-2.

Petitioner contends that she qualified for the increased SNAP benefit amount when her SSI benefits increased in January, 2018, and therefore is entitled to recoup the difference between what she was entitled to, and what she received in SNAP benefits, beginning March, 2018. See Initial Decision at 3, 4; see also Exhibit R-2. Petitioner further contends that she never received the increase in SNAP benefits. See Initial Decision at 3; see also Exhibit P-4.

The ALJ found that in August, 2019, Petitioner received \$400 in SNAP benefits, which reconciled the difference she claimed that she had not received beginning in March, 2019. See Initial Decision at 4, 5; see also Exhibit P-5. In addition to the ALJ's finding, I note that Petitioner is out of time to request a fair hearing on the purported loss of benefits dating back to 2018, because the claim is beyond the 90 days in which the loss occurred. See N.J.A.C. 10:87-8.5. Accordingly, the ALJ affirmed the Agency's calculation of Petitioner's monthly SNAP benefits, and concluded that she is not entitled to recoup SNAP benefits dating back to March, 2018. See Initial Decision at 5; see also N.J.A.C. 10:87-8.5. I agree.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is AFFIRMED.

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

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