



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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*Lt. Governor*

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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 07626-21 C.B.

AGENCY DKT. NO. C074198008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's reduction of her Supplemental Nutritional Assistance Program ("SNAP") benefits allotment. Petitioner's SNAP benefits allotment was reduced, due to four of the minor household children attending a boarding school out of state. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 1, 2021, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On October 15, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

N.J.A.C. 10:87-2.2(a)(3) states that a household is comprised "a group of individuals living together for whom food is purchased in common and for whom meals are prepared together for home consumption[.]" Further, N.J.A.C. 10:87-2.2(b) states that individuals, or groups of individuals who are residents of an institution, may not participate in the SNAP program.

Finally, N.J.A.C. 10:87-2.4(a) provides, "Individuals shall be considered residents of an institution when the institution provides them with the majority of their meals (over 50 percent of three meals daily) as part of the institution's normal services. Residents of institutions are not eligible for participation in the NJ SNAP program[.]"

Here, the record reveals that Petitioner's SNAP household had consisted of six persons. See Initial Decision at 2. In April of 2021, mail sent to Petitioner by the Agency was returned with a forwarding address. *Ibid.*; see also Exhibit R-1 at 8. Thereafter, the Agency issued a Request for Contact form to Petitioner, requesting verification of residency, household composition and household expenses. See Initial Decision at 2; see also Exhibit R-1 at 9. Petitioner responded to the request, and submitted a letter,



dated January 4, 2021, indicating that four of Petitioner's children were now attending an out-of-state boarding school, where housing and meals are provided. See Initial Decision at 2-3; see also Exhibit R-1 at 10. Upon Petitioner's submission of the letter to the Agency, it was thereafter determined that the four children attending the boarding school could no longer be considered a part of Petitioner's SNAP household, and a recalculation of Petitioner's monthly SNAP benefits allotment was done, resulting in a reduction of said monthly allotment. See Initial Decision at 4; see also Exhibit R-1 at 3-7. The ALJ in this matter opined that, while there were no specific regulations on point, the regulations do provide guidance in determining if the Agency's actions were proper and following a review of same, the ALJ concluded that the Agency's reduction of Petitioner's SNAP benefits allotment was proper and must stand, based on the fact that the children reside the majority of the time at the boarding school where their meals are provided for them. See Initial Decision at 6-9; see also N.J.A.C. 10:87-2.2(d). While I do agree with the ALJ's final conclusion in the matter, I find that the regulatory authority outlined above, specifically, N.J.A.C. 10:87-2.2(a)(3), -2.2(b) and -2.4(a) are directly on point in this matter, as the children do not reside with Petitioner and are, in fact, residents of an institution where more than 50 percent of their daily meals are provided as part of the boarding school's normal services, and therefore are not to be included in Petitioner's SNAP household. The Initial Decision is hereby modified to reflect these findings.

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

Officially approved final version.

NOV 19 2021

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Natasha Johnson  
Assistant Commissioner

