



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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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 13937-24 T.J.

AGENCY DKT. NO. **S625116012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner challenges the Respondent Agency's denial of full retroactive Supplemental Nutrition Assistance Program ("SNAP") benefits for the months of July, August and September, 2024, due to the Agency's failure to include both of his minor children as part of his SNAP household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 29, 2024, the Honorable Deirdre Hartman-Zohlman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 7, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on November 18, 2024.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

Here, the record reflects that the Agency sent Petitioner an Interim Reporting Form ("IRF") on June 3, 2024, which Petitioner timely completed and returned to the Agency on June 18, 2024. See Initial Decision at 2; see also Exhibits R-1, R-2 and N.J.A.C. 10:87-9.5(a)(3). As an attachment to the completed IRF, Petitioner included a June 13, 2024 Superior Court order granting Petitioner sole legal and residential custody of his two minor children, A.A. and B.B. See Initial Decision at 2. While the Agency agreed to pay retroactive benefits to Petitioner related to minor child B.B., effective September 1, 2024, the Agency determined that one child, A.A., was still included as part of a SNAP household in Passaic County, specifically the SNAP household of the child's biological mother, and on that basis, denied Petitioner an increase in SNAP benefits, which included A.A., for the months of July, August, and September of 2024, while A.A. remained on the mother's Passaic County SNAP benefits case. See Initial Decision at 2-3; see also Exhibits R-7, R-6, R-10. Passaic County closed the biological mother's SNAP case, of which A.A. was a part, on September 26, 2024, and effective October 1, 2024, Petitioner began to receive SNAP benefits for A.A. See Initial Decision at 3; see also Exhibit R-11. The Agency was unable to provide proof that any inquiry had been made to Passaic County to determine if Passaic County had been notified by the biological mother of the Court's custody order, which resulted in a change of household and would directly affect her SNAP benefits allotment, nor if the Agency had provided information to Passaic County regarding the Court's custody order, thereby assisting with an expeditious removal of A.A. from the biological mother's SNAP case in Passaic County. See Initial Decision at 3; see also N.J.A.C. 10:87-9.5(a)(1)(iii) (stating that when a change occurs within a certified SNAP household under simplified reporting, which would affect the household's benefits allotment, that change must be reported to the respective County Social Service Agency within 10 days of the date that the change is known to the household).



The ALJ found that Petitioner had sole legal and residential custody of both minor children following the Court Order of June 13, 2024, which was timely submitted to the Agency which administered Petitioner's SNAP benefits. See Initial Decision at 4. While the Agency denied the inclusion of A.A. as part of Petitioner's household, due to a result of duplicate participation with Passaic County, no action was taken by the Agency to determine if Passaic County had been notified of the change in household, or of the custody order, such that benefits could be properly provided to Petitioner on a more expeditious basis. See Initial Decision at 4; see also N.J.A.C. 10:87-2.2(d)(2), - 9.5(a)(1)(iii). I agree with the ALJ's conclusion, that Petitioner should have been provided with SNAP benefits for A.A. following the submission of the court order granting Petitioner sole custody, and note that the delay of removing the minor child from the biological mother's case in Passaic County case should not negatively impact the custodial parent, here Petitioner, who was granted legal custody by Court order. See Initial Decision at 5. Therefore, I hereby ORDER and DIRECT the Agency to provide Petitioner with retroactive SNAP benefits, in relation to minor child A.A., for the months of July, August, and September 2024. The Initial Decision is modified to include these directives.

The ALJ further found that Passaic County did not timely exclude A.A. from the biological mother's SNAP household in their county, and as such, Passaic County should recoup any overpayment of benefits in that SNAP benefits case. See Initial Decision at 5; see also N.J.A.C. 10:87-11.20 et seq. I also agree, and therefore, a copy of this Final Agency Decision shall be provided by this office to Passaic County, which is ORDERED and DIRECTED, to proceed with instituting a claim for repayment of overissued benefits paid to the biological mother, C.N., in relation to minor child A.A., during the months of July, August and September, 2024, to which she was not entitled. The Initial Decision is further modified to include these directives.

By way of comment, I note that the ALJ's reliance upon certain regulatory authority in the Initial Decision, namely N.J.A.C. 10:87-2.18(c), N.J.A.C. 10:87-2.25 (Petitioner had submitted an IRF, not an initial application), N.J.A.C. 10:87-2.27(c) (addressing delays in processing of an initial application) and N.J.A.C. 10:87-3.3(b)(2) (duplicate participation out-of-state) are misplaced when applied upon a review of the record.

By way of further comment, I have reviewed the Agency's Exceptions. In light of the analysis and directives above, I find that the arguments made in the Exceptions do not alter my decision in the matter. However, I again note that the delay of removing the minor child from the SNAP case in another county should not have negatively impacted the parent who was granted legal custody, particularly given the several months lapse in time which occurred in this matter, and while not a regulatory requirement, outreach should have been done to Passaic County, to prevent duplicate participation and provide SNAP benefits, on behalf of a minor child, to the custodial parent who was entitled to those benefits. See N.J.A.C. 10:87-2.2(d)(2).

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's denial of retroactive SNAP benefits, in relation to minor child A.A. for the months of July, August, and September, 2024, is REVERSED, as outlined above.

Officially approved final version. December 20, 2024

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Natasha Johnson  
Assistant Commissioner

