



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Lt. Governor

NATASHA JOHNSON
Director

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 05383-18 G.H.

AGENCY DKT. NO. C178732002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits on recertification. The Agency denied Petitioner SNAP benefits as it contended that Petitioner's countable household income exceeded the maximum permissible level for receipt of benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 3, 2018, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On May 9, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. The record reflects that Petitioner's SNAP household is comprised of Petitioner, his spouse, and one child. See Initial Decision at 2; see also Exhibit R-1 at 1. Petitioner is self-employed, while Petitioner's spouse is not employed. See Initial Decision at 2. In support of his application for recertification of SNAP benefits, Petitioner provided the Agency with a business Profit and Loss spreadsheet (Exhibit R-1 at 2), personal and business checking account statements (Exhibit R-1 at 3-23, 27-37), his spouse's personal checking account statements (Exhibit R-1 at 42-51), and his 2016 income tax return. See Initial Decision at 2-3; see also N.J.A.C. 10:87-5.2(a)(1), -6.9(a), -9.1(a). The Agency, in relying only upon the personal checking account statements, determined that Petitioner's household's gross monthly income was \$6,598.00. See Initial Decision at 6; see also Exhibit R-1 at 1, 38-39, 52-53, 56; see also N.J.A.C. 10:87-5.2(a)(2), -5.4(a)(1), (3), and -5.9(a)(14). The ALJ found that it was not unreasonable for the Agency to rely only upon the personal checking account statements to verify Petitioner's income, due to discrepancies within the documents submitted by Petitioner. See Initial Decision at 6. The maximum allowable monthly gross income level to receive benefits for a household of three is \$2,213.00. See N.J.A.C. 10:87-6.16, and Division of Family Development Instruction ("DFDI") 17-09-02 at 13. Accordingly, the ALJ affirmed the Agency's decision, concluding that Petitioner's household income exceeded the maximum gross income level allowable, and therefore, Petitioner was not eligible for SNAP benefits. See Initial Decision at 7. Based on an independent review of the record, I agree with the conclusion of the ALJ.

No Exceptions to this Initial Decision were filed.



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As the Director of the 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 concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED.

Officially approved final version.

MAY 22 2018

Natasha Johnson

Director

