



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 09904-19 M.P.

AGENCY DKT. NO. C146719020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the Respondent Agency's calculation of the amount of her Supplemental Nutrition Assistance Program ("SNAP") benefits overissuance repayment. Petitioner contends that the Agency should have considered whether she is entitled to retroactive consideration of a deduction for dependent care costs, which would have resulted in a lower repayment amount. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was scheduled for a hearing on August 30, 2019, and October 11, 2019, respectively but was adjourned to accommodate Petitioner's work schedule, and for the Agency to consider materials supplied by Petitioner. On October 28, 2019, the Honorable Nanci C. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On October 31, 2019, the ALJ issued an Initial Decision, affirming the Agency's calculation of Petitioner's overissuance repayment amount, and the Agency's determination that Petitioner is not entitled to retroactive consideration of a deduction for dependent care costs. Here, the record reflects that, on or around June 12, 2019, the Agency determined that Petitioner failed to report her earned income from two employers, which caused her to receive an overissuance of SNAP benefits in the amount of \$1,937, for the period beginning November, 2017, through July, 2018. See Initial Decision at 2, 3; see also Exhibit P-4 at 1, P-5 at 25, and N.J.A.C. 10:87-5.4(a)(1). When the Agency calculated the amount of overissued SNAP benefits Petitioner received from November, 2017, through July, 2018, it considered Petitioner's unearned income in the form of Supplemental Security Income ("SSI") benefits, her earned income, and applied the appropriate regulatory deductions, based upon the information available to the Agency at that time. See Initial Decision at 2-3; see also Exhibits P-4, P-5, and N.J.A.C. 10:87-6.16(b) (4) through (b)(8). The Agency did not include a deduction for dependent care costs in its calculation of the amount of overissued SNAP benefits Petitioner received. See Initial Decision at 3; see also Exhibits P-4, P-5, and N.J.A.C. 10:87-6.16(b)(6).

Petitioner contends that the Agency, at the time it had calculated the amount of the overissuance of SNAP benefits Petitioner had received, should have considered her costs for dependent care, and, therefore, she is entitled to retroactive deductions for these dependent care costs, which would



conceivably result in a lower repayment of overissued SNAP benefits. See Initial Decision at 3. To this end, Petitioner provided letters from a preschool and her neighbor indicating that from November, 2017, through April, 2019, Petitioner incurred child care costs. Ibid.; see also Exhibits R-1, R-2, R-3.

The ALJ found that Petitioner did not timely submit the dependent care costs for November, 2017, through July, 2018, and therefore, the Agency properly did not consider them. See Initial Decision at 3. Ibid.; and N.J.A.C. 10:87-6.16(b)(1). The ALJ further found that Petitioner did not supply payment receipts at the hearing, or any evidence that her child care costs for November, 2017, through July, 2018, were submitted to the Agency at the time of her application, or when the costs were incurred. See Initial Decision at 5. Based on the record presented, the ALJ affirmed the Agency's calculation of the amount of Petitioner's repayment of overissued SNAP benefits, and concluded that Petitioner has not demonstrated that she is entitled to retroactive consideration of a deduction for dependent care costs, as these expenses must be identified and verified, and that any change in SNAP benefits based upon changes in dependent care costs apply prospectively. See Initial Decision at 5; see also Exhibits P-4, P-5, and N.J.A.C. 10:87-2.20(c), -6.16(b), -9.5(c)(3). I agree.

No Exceptions to the Initial Decision were filed.

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 hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, only one adjournment may be granted in SNAP fair hearings, which shall not exceed 30 days. See N.J.A.C. 10:87-8.6(a)(4)(i), and N.J.A.C. 1:10-9.1(b). It should be noted that the first adjournment alone in this case extended well beyond the permissible maximum of 30 days.

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

NOV 10 2019

