



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 12673-19 M.S.

AGENCY DKT. NO. C034872019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits, contending 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 October 8, 2019, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On October 24, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination, but modifying the effective date of the termination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the record in this matter and I hereby MODIFY the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

The record reflects that Petitioner's SNAP household includes one person. See Initial Decision at 2. Petitioner's monthly household income is comprised of \$951 in Retirement Survivors and Disability Insurance ("RSDI") benefits, and \$988 (\$228/week x 4.333) in Unemployment Insurance Benefits ("UIB"), for a total monthly household income of \$1,939. See Initial Decision at 2; see also Exhibit R-1 at 3, 13, and N.J.A.C. 10:87-5.5(a). After applying the appropriate deductions, Petitioner's monthly net income totaled \$1,255. See Exhibit R-1 at 13, and N.J.A.C. 10:87-6.16(b)(4) through (b)(9). The Agency then determined that Petitioner's net monthly income exceeded the maximum allowable net income of \$1,012 for a household of one person. See Initial Decision at 2; see also Exhibit R-1 at 1, 13, and N.J.A.C. 10-6.16(b), -6.16(d)(1), and DFD Instruction No. 18-09-01. Thereafter, by notice dated August 21, 2019, the Agency advised Petitioner that her SNAP benefits were being terminated, effective September 1, 2019. See Initial Decision at 2; see also Exhibit R-1 at 5-8. The ALJ found that Petitioner could demonstrate no factual error with the Agency's calculations. See Initial Decision at 3. Accordingly, the ALJ concluded that Petitioner was not eligible for SNAP benefits, and affirmed



the Agency's determination to terminate Petitioner's SNAP benefits. See Initial Decision at 4; see also Exhibit R-1 at 5-8, and N.J.A.C. 10:87-6.16(b), -6.16(d)(1). I agree.

The ALJ further contends that, while the Agency properly terminated Petitioner's SNAP benefits, the Agency did not provide Petitioner timely notice of the termination in accordance with the SNAP regulations, and therefore, the effective date of the termination should be changed to September 30, 2019. See Initial Decision at 3, 4. I respectfully disagree with the ALJ's contention in this regard. Rather, based on an independent review of the record, I find that the Agency did, in fact, provide adequate and timely notice to Petitioner regarding the termination of her SNAP benefits.

The record indicates that the Agency mailed its adverse action notice, advising Petitioner of the termination of her SNAP benefits, on August 22, 2019. See Initial Decision at 2; see also Exhibit P-1. The effective date of the termination of Petitioner's SNAP benefits, as stated on the adverse action notice, is September 1, 2019, and not August 31, 2019, as indicated by the ALJ. See Initial Decision at 2; see also Exhibit R-1 at 5-8. Applicable regulatory authority states that notice is considered timely if it is mailed at least 10 days prior to the date upon which the action becomes effective. See N.J.A.C. 10:87-9.5(j)(1). Here, counting back 10 days from September 1, 2019, falls on August 22, 2019, which is the date the adverse action notice was mailed to Petitioner. See Initial Decision at 2, see also Exhibits P-1, R-1 at 5-8. Therefore, I find that Petitioner was provided adequate and timely notice of the termination of her SNAP benefits, and the effective date of said termination shall remain as September 1, 2019. See Exhibit R-1 at 5-9; see also N.J.A.C. 10:87-9.5(j)(1). 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.

Natasha Johnson
Assistant Commissioner

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