



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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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 **12683-19 S.F.**

AGENCY DKT. NO. **C106725008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner challenges the Respondent Agency's calculation of the amount of her Supplemental Nutrition Assistance Program ("SNAP") benefits. 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 higher SNAP benefits amount. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 4, 2019, the Honorable Dorothy Incarvito-Garrabrant, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. The record remained open until October 16, 2019, for the Agency to submit additional documentation. When the Agency did not submit any additional documents, the record then closed on that date.

On October 31, 2019, the ALJ issued an Initial Decision, affirming the Agency's calculation of Petitioner's SNAP benefit 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 August 28, 2019, the Agency notified Petitioner that, effective September 1, 2019, her monthly SNAP benefit amount would increase to \$362, as a result of an increase in her dependent care expenses. See Initial Decision at 2; see also Exhibit R-1 at 1-2, 3, 4, and N.J.A.C. 10:87-6.16(b)(6). Petitioner contends that she had initially provided her childcare expense information in November, 2018, and therefore, is entitled to retroactive deductions for those dependent care costs, which would conceivably result in an award of retroactive SNAP benefits, for the period of November, 2018, through August, 2019. See Initial Decision at 2; see also Exhibit P-1. The Agency testified that, during Petitioner's recertification interview in December, 2018, she had advised the Agency that she paid \$311 per week for dependent childcare. See Initial Decision at 2; see also Exhibit R-1 at 13. Thereafter, on December 13, 2018, the Agency requested that Petitioner provide, among other items, proof of her child care/day care expenses. See Initial Decision 2-3; see also Exhibit R-1 at 14. On December 20, 2018, Petitioner provided some of the requested documentation to the Agency, but did not provide any proof of her dependent care costs. See Initial Decision at 3; see also Exhibits R-2, R-3.



During Petitioner's February, 2019, recertification of SNAP benefits, the Agency considered Petitioner's earned income, and applied the appropriate regulatory deductions, based upon the information available to the Agency at that time. See Initial Decision at 3; see also Exhibit R-1 at 3, and N.J.A.C. 10:87-6.16(b)(4) - (b)(8). The Agency did not include a deduction for dependent care costs in its calculation of the Petitioner's SNAP benefits. See Initial Decision at 3; see also Exhibits R-1 at 5, 15, and N.J.A.C. 10:87-6.16(b)(6). The ALJ found Petitioner not credible when she testified that she mailed proof of her dependent care costs to the Agency on November 9, 2018, as well as having purportedly delivered them to the Agency. The ALJ found further that Petitioner's testimony, that she previously mailed the requested proof of dependent care costs, without any other source of corroborating verification, was self-serving. See Initial Decision at 7. The ALJ also found that the Agency did not receive the requested proof of dependent care costs, alleged to have been provided by Petitioner. Ibid.

Based on the record presented, the ALJ affirmed the Agency's calculation of the amount of Petitioner's SNAP benefits for the period of November 1, 2018, through August 31, 2019, 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 only prospectively. See Initial Decision at 8; see also Exhibits R-1 at 1-2, 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.

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

Officially approved final version.

NOV 18 2019

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Natasha Johnson  
Assistant Commissioner

