



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 **02919-20 B.V.**

AGENCY DKT. NO. **C559831002 (BERGEN COUNTY BD. 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 as it contended that Petitioner's household monthly income exceeds the maximum permissible level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 7, 2020, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic hearing, took testimony, and admitted documents into evidence.

On July 10, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner's SNAP household is comprised only of Petitioner. See Exhibit R-1. To ensure that Petitioner was receiving the correct amount of SNAP benefits, on December 31, 2019, the Agency requested that Petitioner provide copies of paystubs. See Exhibit R-2. Thereafter, the Agency determined that Petitioner's gross monthly earned income totaled \$2,373 (\$1,155 + \$1,035 = \$2,190; \$2,190 / 2 = \$1,095; \$1,095 x 2.167 = \$2,373). See Initial Decision 2; see also Exhibits R-1, R-3; and N.J.A.C. 10:87-5.4, -6.9(c), (d)(1), and -9.1. After applying the appropriate regulatory deductions, the Agency then determined that Petitioner's monthly income exceeded the maximum allowable net income of \$1,041, for a household of one person. See Initial Decision at 2; see also Exhibit R-4, and N.J.A.C. 10-6.16(b), -6.16(d)(2), and Division of Family Development Instruction ("DFDI") No. 19-09-01. Thereafter, by notice dated February 3, 2020, the Agency advised Petitioner that her SNAP benefits were being terminated, effective March 1, 2020. See Initial Decision at 2; see also Exhibit R-4. Petitioner does not dispute the time period wherein she was employed, and had the earned income used by the Agency in its determination of Petitioner's SNAP benefit amount. 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. *Ibid.*; see also Exhibit R-4, and N.J.A.C. 10:87-6.16(b), -6.16(d)(1). I agree.

No Exceptions to this Initial Decision were filed.



As Assistant Commissioner, 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.

By way of comment, because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, the termination of her SNAP benefits shall begin as of the date of the issuance of this Final Agency Decision.

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

Officially approved final version.

AUG 25 2020

Natasha Johnson

Assistant Commissioner

