



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 15770-19 M.D.

AGENCY DKT. NO. C142495015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's calculation of his Supplemental Nutrition Assistance Program ("SNAP") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 3, 2020, the Honorable Edward J. Delanoy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 16, 2020, the ALJ issued an Initial Decision, affirming the Agency's calculation of Petitioner's SNAP benefits. Here, the record reflects that the Agency approved Petitioner's application for SNAP benefits, effective October 11, 2019. See Initial Decision at 2. Based upon his income and expenses, as provided to the Agency, Petitioner's monthly SNAP benefit allotment was determined to be \$16. See Initial Decision at 2; see also Exhibit R-5, and N.J.A.C. 10:87-6.16. The ALJ found that Petitioner's income, consisting of monies withdrawn from Petitioner's retirement accounts for his own use, and dividends earned in 2019, totaled \$1,504 per month. See Initial Decision at 2, 3; see also Exhibits R-2, R-3, R-5, and N.J.A.C. 10:87-5.5(a)(7). Petitioner contends that some of the monies in one of his retirement accounts, was merely a transfer from another one of his retirement accounts, and that the Agency should exclude that amount when determining his monthly income for SNAP purposes, which would result in him receiving a higher monthly SNAP benefit amount. See Initial Decision 4, 5; see also Exhibit R-4. The ALJ found that Petitioner, when asked to produce the necessary documentation to support his claim, chose not to do so, and that absent such proof, Petitioner's claim cannot be substantiated. See Initial Decision at 5. After considering Petitioner's income as received by the Agency, and applying all appropriate regulatory deductions, the Agency determined that Petitioner was entitled to \$16 per month in SNAP benefits. *Ibid.*; see Exhibit R-5, and N.J.A.C. 10:87-6-16(b) (8), (9). Based on the record presented, the ALJ affirmed the Agency's calculation of the amount of Petitioner's monthly SNAP benefits. See Initial Decision at 5; see also Exhibits R-1, R-5, and N.J.A.C. 10:87-6.9, -6.16(b). 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 record in this matter and the ALJ's Initial Decision and 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 ADOPTED, and the Agency's action is hereby AFFIRMED.

Officially approved final version.

~~JAN 24 2020~~

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Natasha Johnson  
Assistant Commissioner

