



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 15635-24 Z.S.

AGENCY DKT. NO. C154392006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner, via his Designated Authorized Representative ("DAR"), appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, contending he was ineligible as he was residing within a group home, making him categorically ineligible for benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 18, 2024, the Honorable William T. Cooper III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents. The record was held open until December 20, 2024 for the submission of additional documents, and then closed on that date. On January 8, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination and remanding the case to the Agency.

No Exceptions to the Initial Decision were received.

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 hereby ADOPT the Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency for further action, based on the discussion below.

Here, the record reflects that Petitioner, through his DAR, applied for SNAP benefits on October 7, 2024, at which time he resided within a group living arrangement ("GLA") of four individuals within a single residence. See Initial Decision at 2; see also Exhibit P-1. Petitioner is a developmentally disabled individual and receives monthly payments in the form of social security disability. See Initial Decision at 2. The GLA where Petitioner resides is operated by a non-profit organization which has been licensed by the State of New Jersey's Department of Human Services to operate GLAs for developmentally disabled individuals. Id at 2.; see also Exhibit P-2. The non-profit organization does not provide any meals to the individuals within the GLA, who are each individually responsible for the purchase of food and the preparation of their own meals. See Initial Decision at 3. The Agency, in this matter, denied Petitioner's application due to his residing in a group home, however, the ALJ found that the Agency failed to determine if Petitioner was eligible to participate in SNAP pursuant to the applicable regulatory exceptions for eligibility. Ibid.

Generally, individuals who are residents of an institution or group home are ineligible to participate in the SNAP benefits program. See Initial Decision at 3; see also N.J.A.C. 10:87-2.2(b). However, there is an exception allowing eligibility for blind and/or disabled individuals, who meet the definition at N.J.A.C. 10:87-2.34, and who reside within a public or private non-profit group living arrangement which serves no more than sixteen residents. See N.J.A.C. 10:87-2.4(a)(3). Based on the foregoing, the ALJ relied upon the Division of Family Development Instruction ("DFDI") from May 28, 2024 (DFDI No. 24-05-01) which outlines the requirements to consider for GLA residents when determining SNAP eligibility. See Initial Decision at 4; see also DFDI No. 24-05-01. The ALJ in this matter concluded that Petitioner is a developmentally disabled



individual who resides within a GLA that does not provide any meals to its residents. Ibid. Accordingly, the ALJ found that the Agency erred and that Petitioner is eligible to receive SNAP benefits, in so far as he falls within the eligibility exception for receipt of SNAP benefits by group home residents. Ibid. I agree, and remand this matter to the Agency to expedite the evaluation of Petitioner's October 7, 2024, application to determine financial eligibility from that date to the present. If Petitioner is determined eligible for SNAP benefits during the period previously referenced, Petitioner shall be provided with retroactive and current SNAP benefits accordingly. See N.J.A.C. 10:87-8.18.

The Initial Decision in this matter is hereby ADOPTED and the Agency's determination REVERSED, and REMANDED to the Agency for further action, as outlined above.

Officially approved final version. January 15, 2025

Natasha Johnson
Assistant Commissioner

