



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 19500-15 M.B.

AGENCY DKT. NO. C019903 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner challenges the Respondent Agency's determination she not receive an increase in her Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits for the month of August 2015. Petitioner contends she should be entitled to \$584.00 for the month of August, due to the addition of two grandchildren to her case. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On September 23, 2015, a hearing was scheduled, but adjourned, and rescheduled for October 7, 2015, where Petitioner failed to appear. Another hearing was scheduled for October 21, 2015, but Petitioner again failed to appear. On October 29, 2015, Petitioner was noticed that her case was returned to the Division of Family Development ("DFD") and was informed the OAL no longer had jurisdiction over her case. Petitioner eventually provided proof her mother passed away on October 6, 2015, as good cause for her failure to attend the previous two scheduled hearings. Based upon this information, Petitioner requested a new Fair Hearing and the matter was re-filed at the OAL. On December 23, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On December 29, 2015, the ALJ issued his Initial Decision which affirmed the Agency's determination.

No Exceptions to the Initial Decision were filed.

As the Director of the DFD, Department of Human Services, I have reviewed the Initial Decision and having made an independent review of the record in this matter, I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

Here, the ALJ noted that Petitioner believed she was entitled to an increase in SNAP benefits from \$488.00 to \$584.00 per month, based on the addition of two grandchildren to her household unit in the month of July 2015. See Initial Decision at 1-2. However, the ALJ found that Petitioner only added the two grandchildren in question to her Medicaid case on July 10, 2015, the date when she met with her Medicaid case worker. *Id.* at 2. Petitioner did not speak with a SNAP case worker until returning to the Agency on July 31, 2015, when at that time, a ten-day SNAP transfer/termination letter was issued to transfer benefits from the children's mother to Petitioner. *Ibid.* Nonetheless, benefits were issued to the children's mother ("CM") on August 1, 2015, and then transferred to Petitioner effective September 1, 2015. *Id.* at 2-3; see also Exhibit R-1 at 3.

The ALJ found that, based upon the facts presented, the earliest date Petitioner could receive the newly transferred benefits was September 1, 2015. See Initial Decision at 4; see also N.J.A.C. 10:87-9.5(c)(3)(ii). In addition, the ALJ concluded that Petitioner cannot receive the grandchildren's SNAP benefits for the month of August 2015, as they were already issued to CM and issuance to the Petitioner of those August funds would result in a duplicate payment. See Initial Decision at 4; see also N.J.A.C. 10:87-2.2(d)(2). Therefore, Petitioner cannot be issued an increase in SNAP benefits for the month of August 2015, and the Agency properly increased benefits to \$584.00 effective September 1, 2015. *Id.* at 4. I agree.

By way of comment, it appears that the Agency may have grounds to seek a recoupment for an overpayment issued to CM, the former recipient of SNAP funds on behalf of the children prior to Petitioner. CM no longer retains custody over her children, as evidenced by the July 9, 2015, court order. See Exhibit P-1. Based on the record presented, it appears that CM received proceeds intended for children that were no longer part of her household, and therefore, received SNAP benefits to which she was not entitled.

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

JAN 11 2016

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director