



State of New Jersey

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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 04051-18 S.B.

AGENCY DKT. NO. C090354008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's benefits contending that Petitioner did not maintain a separate household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was originally scheduled for April 6, 2018, but was adjourned at the request of Petitioner's counsel, and rescheduled for April 27, 2018. On April 27, 2018, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On May 3, 2018, the ALJ issued an Initial Decision affirming the Agency's termination of SNAP benefits. Here, the record reflects that Petitioner has been receiving SNAP benefits since March 2011. In April 2018, the Agency determined that an absent parent, ("M.K."), had been residing in Petitioner's home, but had not been included with Petitioner's SNAP household. See Initial Decision at 2; see also Exhibit R-1 at 3-4. Further, the Agency investigation revealed that M.K. was living with Petitioner, and had listed Petitioner's address for purposes including, but not limited to, Motor Vehicle services, such as his license and registration; and Unemployment Insurance Benefits. See Initial Decision at 2; see also Exhibit R-1 at 5-13. In addition, the investigation revealed that M.K. was involved in two traffic violations, both of which confirmed his address as that of Petitioner's. See Initial Decision at 2; see also Exhibit R-1 at 14-15. M.K. testified that he does not reside at Petitioner's home, but merely uses her address for receipt of mail, of which Petitioner claimed to be unaware. See Initial Decision at 3-4. Moreover, Petitioner's mother Y.B., who lives next door to Petitioner, stated to the Agency Investigator that M.K. lived with Petitioner, although at the hearing she claimed to have misunderstood who the Investigator was referring to. See Initial Decision at 2-3, 4; see also Exhibit R-1 at 2. After considering the testimony of the parties and the documentary evidence, the ALJ found that Petitioner's, M.K.'s and Y.B.'s testimonies were not credible; that Petitioner maintained a relationship with M.K. between 2012 and 2017, and that M.K. resided with Petitioner during that time. See Initial Decision at 3-6. Therefore, the ALJ concluded that separate household status cannot be granted to M.K., and that the Agency's termination of Petitioner's SNAP benefits was proper and must stand. *Id.* at 6-7; see also N.J.A.C. 10:87-2.2(c)(1), -2.19(i)(1). I agree.



No Exceptions to the Initial Decision were filed.

As Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision. Following an independent evaluation of the record, I concur with the ALJ's decision in this matter and I hereby adopt the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

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

Officially approved final version.

MAY 15 2018

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Natasha Johnson  
Director

