



State of New Jersey

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Director

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

REMAND DECISION

OAL DKT. NO. HPW **04162-19 L.W.**

AGENCY DKT. NO. **C045070019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals the Respondent Agency's denials of Petitioner's applications for Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's applications for SNAP benefits, contending that she was not a resident of the county in which she filed said applications. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 23, 2019, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. On May 3, 2019, the ALJ issued an Initial Decision, affirming the Agency's denial of Petitioner's first application for SNAP benefits, and reversing the Agency's denial of Petitioner's second application for SNAP benefits.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, AFFIRM the Agency's determination as to Petitioner's first application for SNAP benefits, and REVERSE the Agency's decision as to Petitioner's second application for SNAP benefits, and REMAND the matter to the Agency, as discussed below.

N.J.A.C. 10:87-3.2(a) requires that an applicant for SNAP benefits must be a resident of the county in which said applicant files for SNAP benefits.

The record in this matter reflects that on or around December 31, 2018, Petitioner first applied for SNAP benefits. See Initial Decision at 2. Previously, in February 2017, Petitioner had purchased a cabin in Sussex County, but had spent time at, and slept at, three different locations, including the cabin, a church in another state, and her adult child's apartment located in Essex County. The record further reflects, and Petitioner acknowledges, that at the time she first applied for SNAP benefits, she received her mail at her child's Essex County apartment, and that she was registered to vote in Essex County, and did vote in the General Election of November 2018 in Essex County. *Id.* at 3. On January 15, 2019, the Agency, having determined that Petitioner was a resident of Essex County, denied her first application for SNAP benefits. *Id.* at 4; see also N.J.A.C. 10:87-3.2(a). The ALJ found that, at the



time Petitioner first applied for SNAP benefits, she received her mail in Essex County, which indicated that she, in fact, had been residing in Essex County. See Initial Decision at 4. Additionally, the ALJ found that Petitioner being registered to vote, and actually voting in Essex County, indicated a more significant tie to Essex County. Ibid. Accordingly, the ALJ concluded that Petitioner was a resident of Essex County when she first applied for SNAP benefits in late December 2018, and that the Agency had properly denied Petitioner's first application for SNAP benefits. See Initial Decision at 6; see also N.J.A.C. 10:87-3.2(a). I agree.

On April 2, 2019, Petitioner filed a second application for SNAP benefits. See Initial Decision at 5. Petitioner testified that, during the third week of January 2019, she obtained a permanent propane stove and propane tank, and began living at her cabin in Sussex County. Id. at 2, 5. Based on Petitioner's unrefuted testimony, the ALJ found that Petitioner became a resident of Sussex County beginning the third week of January 2019, and therefore, would need to apply for SNAP benefits in Sussex County, as it was now her county of residence. Id. at 6; see also N.J.A.C. 10:87-3.2(a). Accordingly, the ALJ concluded that Petitioner is eligible for SNAP benefits in Sussex County, effective April 2, 2019, the date of her second application, and as such, reversed the Agency's determination to deny Petitioner's second application for SNAP benefits. See Initial Decision at 6. I also agree.

Finally, the Initial Decision in this matter states that "there is no issue about [Petitioner's] eligibility for SNAP benefits besides her residency." See Initial Decision at 3. Therefore, this matter is remanded to the Agency to determine Petitioner's appropriate SNAP benefits level, effective April 2, 2019, and to issue retroactive and prospective benefits, accordingly. See N.J.A.C. 10:87-8.18.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, the Agency's determination regarding Petitioner's first application for SNAP benefits is hereby AFFIRMED, and the Agency's determination as to Petitioner's second SNAP application is REVERSED, and the matter is REMANDED to the Agency for action, as outlined above.

Officially approved final version.

Natasha Johnson
Director

MAY 14 2019

