



State of New Jersey

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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 **09447-24 G.P.**

AGENCY DKT. NO. **C184472003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, as it contended that Petitioner failed to provide accurate documentation regarding household composition, which was necessary to process his application for SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was originally scheduled for August 28, 2024, however, Petitioner requested a postponement. On October 3, 2024, the Honorable Deirdre Hartman-Zohlmán, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On October 16, 2024, the ALJ issued an Initial Decision, affirming the Agency's denial of SNAP benefits.

Here, the record reflects that on October 11, 2023, Petitioner applied for SNAP benefits. See Initial Decision at 2; see also Exhibit P-1, see also Exhibit A at 5. On the SNAP application, Petitioner listed the household members as himself, his wife, and his mother. Ibid. Petitioner has been married for approximately thirty years but has been residing separately from his wife for at least the past five years. See Initial Decision at 2. Petitioner indicated that he was currently residing with his mother and that they did not share food but rather that he purchases and prepares his own food. Ibid. On October 31, 2023, the Agency sent Petitioner a request for verification which included a form to verify household composition. Id. at 3; see also Exhibit P-6, and Exhibit B at 20. Petitioner was provided with expedited SNAP benefits of \$194 on November 6, 2023. See Initial Decision at 3; see also Exhibit P-1 and Exhibit A at 18. The ALJ, upon examination of the household composition form, noted that the form appeared to be completed by someone other than Petitioner, as evidenced by name misspellings and handwriting differences, but was signed by both Petitioner and his mother. See Initial Decision at 3; see also Exhibit P-6, and Exhibit B at 22. The household composition form listed Petitioner's mother and wife as individuals that live with Petitioner but are not on his SNAP application, as well as stating that Petitioner's wife is his ex-wife. Ibid. On June 6, 2024, the Agency denied Petitioner's application for benefits effective November 1, 2023, reasoning that Petitioner is not considered a separate household for purposes of receipt of SNAP benefits. See Initial Decision at 3; see also Exhibit P-6, and Exhibit B at 24, see also N.J.A.C. 10:87-2.2.

Petitioner is responsible to disclose all facts regarding his individual circumstances as part of his application for SNAP benefits. See N.J.A.C. 10:87-2.20(c); -2.22(c). The Agency has an affirmative duty to "explore and resolve with the household any unclear and incomplete information." See N.J.A.C. 10:87-18(c). The Agency must verify any questionable information that may affect eligibility for SNAP benefits or the amount of the allotment. See N.J.A.C. 10:87-2.20; -2.24(c).

Based on the foregoing, the ALJ found Petitioner credible in establishing that he lives with his mother and not with his wife, however, such information was unclear on Petitioner's SNAP application, as well as on his living arrangement/



household composition form, leaving the Agency without discretion in adhering to the regulation stating that a spouse of a member of a household cannot be given separate household status. See Initial Decision at 5; see also N.J.A.C. 10:87-2.2(c)(3). Accordingly, the ALJ affirmed the Agency's denial of SNAP benefits to Petitioner, as he failed to establish his wife was a separate household pursuant to N.J.A.C. 10:87-2.2(c)(3). Ibid. I agree.

A response to Exceptions were filed by the Agency on October 29, 2024. However, this office has not received any Exceptions filed on behalf of Petitioner.

As Assistant Commissioner, Division of Family Development ("DFD"), 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.

By way of comment, Petitioner originally appealed a denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits for failure to provide verification of employment, however, this appeal was withdrawn prior to the date of the hearing in this matter. See Initial Decision at 2, fn1.

By way of further comment, Petitioner may reapply for SNAP benefits as Petitioner cannot receive SNAP benefits except upon a determination of eligibility for same. See N.J.A.C. 10:87-6.2. The Agency shall communicate with Petitioner if any further information is needed. The Agency shall then expedite the substantive evaluation of Petitioner's application for SNAP benefits.

Also by way of comment, I note for the benefit of the Agency's representative(s) that replies/responses to Exceptions are not permitted in DFD hearings. See N.J.A.C. 1:10-18.2.

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

Officially approved final version. December 05, 2024

Natasha Johnson
Assistant Commissioner

