



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 **00186-24 R.A.**

AGENCY DKT. NO. **C047082019 (SUSSEX COUNTY DIVISION 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, 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 initially scheduled for March 26, 2024, but was adjourned when Petitioner failed to appear. On the rescheduled date of May 14, 2024, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, and admitted documents into evidence. Following the receipt of Petitioner's post-hearing brief, and confirmation by the Agency that they declined to submit a post-hearing brief, the record then closed on July 15, 2024.

On July 25, 2024, the ALJ issued an Initial Decision, affirming the Agency's denial of Petitioner's SNAP benefits. The record reflects that on October 23, 2023, Petitioner applied for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1, Reference #1. Upon review of Petitioner's application, the Agency noted an additional individual, B.S., was listed on verification documents including the utility bills, mortgage statement, and tax bills. Ibid. Further, a review of a previously submitted SNAP application from 2020 listed B.S. as the fiancé of Petitioner. Ibid. The Agency phoned Petitioner to inquire as to B.S., and the agency representative testified that Petitioner confirmed that B.S. was her fiancé. Ibid. Petitioner was informed that both she and B.S. must be included on the application and a request for verification was sent to Petitioner. See Initial Decision at 2-3; see also Exhibit R-1, Reference #5.

On November 14, 2023, the Agency received additional documentation from Petitioner, including paystubs for B.S. See Initial Decision at 3; see also Exhibit R-1, Reference #6. Petitioner submitted a Living Arrangement Form, in which she certified, among other things, that B.S. was a friend with whom she shared a house. Ibid. The Agency proceeded to review the case for SNAP eligibility as a household of two and, with the consideration of B.S.'s income, the household exceeded the eligibility limit for SNAP benefits for a household of two. See Initial Decision at 3; see also Exhibit R-1, Reference #7. On November 17, 2023, Petitioner's SNAP application was denied by the Agency and Petitioner was sent a denial letter. Ibid.; see also Exhibit R-1, Reference #8. Following the denial, Petitioner obtained counsel who submitted, on Petitioner's behalf, an updated Living Arrangement Form stating Petitioner and B.S. were friends. See Initial Decision at 3; see also Exhibit R-1 at Reference #9. On March 16, 2024, in preparation for the hearing, the Agency re-calculated B.S.'s income and determined that the household remained ineligible for SNAP benefits. Ibid.

During the hearing, Petitioner testified that she has co-owned a home with B.S. for approximately 3-4 years which was purchased when the two were engaged. See Initial Decision at 3. Petitioner testified that she and B.S. are no longer engaged as of sometime in 2021, that they live together as friends, and that they never eat together as their food



preferences differ. Ibid. The ALJ in this matter did not find the testimony of Petitioner to be credible. See Initial Decision at 5.

Based on the evidence presented, the ALJ concluded that Petitioner lives with B.S. and that Petitioner failed to provide sufficient credible evidence to prove, by a preponderance of the evidence, that she is, in fact, a separate household, which causes Petitioner to be ineligible for SNAP benefits. See Initial Decision at 5; see also N.J.A.C. 10:87-2.2(a). Every SNAP application is made on behalf of a household and all eligibility considerations follow from the determination of who constitutes a household. See N.J.A.C. 10:87-2.2. Accordingly, the ALJ affirmed the Agency's action denying Petitioner's application for SNAP benefits. See Initial Decision at 5; see also Exhibit R-1. I agree.

Exceptions to the Initial Decision were filed by counsel on behalf of Petitioner on August 2, 2024.

As Assistant Commissioner, 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.

By way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, Petitioner is without prejudice to reapply for SNAP benefits should her circumstances change.

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

Officially approved final version. August 15, 2024

Natasha Johnson
Assistant Commissioner

