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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 04339-18 A.C.

AGENCY DKT. NO. C043924019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's reduction of his Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency reduced Petitioner's SNAP benefits due to available resources, counted as income, in a joint bank account. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 24, 2018, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On May 1, 2018, the ALJ issued an Initial Decision affirming the Agency's reduction of Petitioner's SNAP benefits. See Initial Decision at 4. The ALJ noted that it was undisputed that Petitioner and his wife, from whom he is separated, share a joint bank account. *Id.* at 2. The record reflects that while Petitioner has minimal monthly income, in the form of small pension amount deposited into the joint bank account, his wife also deposits money into the account, from which she then proceeds to pay several bills. *Ibid.* While it is also undisputed that the wife's deposits into the account are used solely to pay her bills and expenses, and that she provides no monetary support to Petitioner, the Agency maintained that the deposits must be counted as income in the calculation of Petitioner's monthly SNAP benefits, due to the fact that Petitioner nonetheless has access to the account and could, in fact, withdraw the funds from the account. *Id.* at 3. Citing to N.J.A.C. 10:87-5.5(a)(9), the ALJ agreed, stating that "[w]hile the documents support petitioner's argument that he only draws upon his small pension deposit, he remains legally able to withdraw her funds if he were to 'beat' her utility, credit card and other bill payment 'to the bank.'" See Initial Decision at 3. Based on the foregoing, the ALJ affirmed the Agency's determination. *Id.* at 4. 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 10 2018

Natasha Johnson

Director

