



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
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

FINAL DECISION

OAL DKT. NO. HPW 07812-18 J.C.

AGENCY DKT. NO. C078922011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's reduction of her Supplemental Nutrition Assistance Program ("SNAP") benefits, and the request for repayment of a purported overissuance of SNAP benefits. The Agency reduced Petitioner's SNAP benefits, and requested repayment of the alleged overissuance of SNAP benefits, contending that her child did not live in the SNAP household from April 2016, through February 2018. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 24, 2018, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained opened to allow the parties to submit closing summations. On August 7, 2018, counsel for Petitioner submitted a closing summation, and the record then closed.

On August 28, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, by way of a custodial arrangement between Petitioner and the father of her child, Petitioner's son lives with his father during the week, but spends every weekend, holidays and the summer with her. See Initial Decision at 2; see also Exhibits P-1, P-2. This agreement is not memorialized in writing. See Initial Decision at 3. Petitioner testified that it was important, for school residency purposes, that her son live with his father during the week. See Initial Decision at 2. The Agency testified that it had assumed that Petitioner's son did not live with her because the son had been removed from her application for Medicaid benefits. See Initial Decision at 3; see also Exhibit R-4 at 2, 4. The Agency further stated that Petitioner had advised that her son was "living with" his father. See Initial Decision at 3. The ALJ found that the father does not claim his son for SNAP benefits and does not dispute that the son lives with Petitioner on weekends, holidays and the summers. *Ibid.*; see also Exhibit P-1. Based on the foregoing, the ALJ concluded that Petitioner's son resides a portion of each month with Petitioner, and therefore, the reduction of Petitioner's SNAP benefits, and request for repayment of an overissuance of SNAP benefits, were inappropriate and must be reversed. See Initial Decision at 4; see also Exhibits R-1, R-4 at 1, and N.J.A.C. 10:87-2.2(d). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.



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Officially approved final version.

Natasha Johnson
Director

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