



State of New Jersey

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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 15769-17 R.B.

AGENCY DKT. NO. C054788018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits, on recertification. Upon recertification, the Agency terminated Petitioner's SNAP benefits contending that Petitioner's monthly household income exceeds the eligibility limits for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for November 21, 2017, but was adjourned at Petitioner's request. The matter was then rescheduled for December 19, 2017, and again adjourned. On January 30, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On February 13, 2018, the ALJ issued an Initial Decision, affirming the Agency's termination of SNAP benefits. Upon recertification for continued receipt of SNAP benefits, the Agency determined that Petitioner, his fiancé, and their two foster children functioned as one economic unit, and therefore, both Petitioner and his fiancé's income were taken into account for purposes of SNAP eligibility, resulting in Petitioner's net household income of \$3,566 exceeding the eligibility criteria for receipt of SNAP benefits for a household of four. See Initial Decision at 2-3; see also Exhibits R-1, R-8, R-9, R-12, R-13, R-14, R-17, R-18, R-19, R-20, and N.J.A.C. 10:87-6.16, and Division of Family Development Instruction ("DFDI") 17-02-02 at 13. Petitioner does not contest that their combined income makes the household ineligible for SNAP benefits, but rather, that his fiancé is not a member of his household for purposes of calculating his eligibility for SNAP benefits because she prepares and eats her meals elsewhere. See Initial Decision at 4-5; see also Exhibit P-1.

Based on the record presented, the ALJ found that when Petitioner's fiancé is not at work, she consumes her meals with the household, and that she and Petitioner function as a single economic unit for SNAP eligibility purposes. See Initial Decision at 5, 7-8. Notably, Petitioner and his fiancé had recently held themselves out to another State agency as one financial unit for eligibility purposes with that other State agency. *Id.* at 7-8; see also Exhibits R-10 through R-12. Therefore, the ALJ concluded that the totality of the evidence presented supported the Agency's determination that Petitioner was not a separate household for SNAP eligibility purposes, and as such, that the combined household income renders Petitioner ineligible for SNAP benefits. See Initial Decision at 8. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's SNAP benefits was proper and must stand. *Ibid.*; see also Exhibit R-7, and N.J.A.C. 10:87-2.2(c)(4), -6.16, and DFDI 17-02-02 at 13. I agree.

No Exceptions to the Initial Decision were filed.

As Director of the 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.



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By way of comment, only one adjournment of a SNAP case is permissible pursuant to applicable regulatory authority. See N.J.A.C. 1:10-9.1(a), N.J.A.C. 10:87-8.6(a)(4)(i) and 7 C.F.R. 273.15(c)(4).

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

Officially approved final version.

FEB 22 2018

Natasha Johnson

Director

