



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 14934-19 G.R.

AGENCY DKT. NO. C082906003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals the Respondent Agency's termination of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits due to Petitioner's failure to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 20, 2019, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On December 4, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on April 17, 2019, the Agency became aware that Petitioner was self-employed as a landscaper. See Initial Decision at 2; see also Exhibit R-1 at 27-31. On that same date, the Agency requested that Petitioner provide a copy of his 2018 Schedule C federal income tax return, in order to verify his self-employment and his income. See Initial Decision at 2; see also Exhibit R-1 at 1. On June 12, 2019, Petitioner completed a recertification application for continued receipt of SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at 2-21. Petitioner reported in his recertification application for SNAP benefits that he had no income, and that he receives no financial assistance. See Initial Decision at 2; see also Exhibit R-1 at 7, 8, 9. On July 8, 2019, in response to the Agency's April 17, 2019, request for documents, Petitioner advised the Agency that he did not file a 2018 income tax return. See Initial Decision at 2; see also Exhibit R-1 at 23. Thereafter, on July 12, 2019, the Agency again requested that Petitioner verify his earnings for a business he apparently owned, as discovered in several social media postings. See Initial Decision at 2; see also Exhibit R-1 at 26, 27-31, and N.J.A.C. 10:87-2.19(a), -2.20(a), -2.22. Petitioner never provided the requested documentation and, as a result, on September 16, 2019, the Agency notified Petitioner that his SNAP benefits would be terminated, effective October 1, 2019. See Initial Decision at 2; see also Exhibit R-1 at 32-33, 34-35, and N.J.A.C. 10:87-2.16, -2.27(e)(1).

The ALJ found Petitioner not credible when he testified that his business closed, that the social media posts were old photos that were posted by a friend, and that he now works "under the table." See Initial Decision at 2-3. Based on the evidence presented, the ALJ concluded that Petitioner's income has



not been verified, and that Petitioner has not provided sufficient information to the Agency so that his income could be verified. Id. at 3, 4; see also N.J.A.C. 10:87-2.19(b). Accordingly, the ALJ affirmed the Agency's termination of Petitioner's SNAP benefits. See Initial Decision at 4; see also Exhibit R-1 at 32-33, 34-35, and N.J.A.C. 10:87-2.22, -2.27. I agree.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

By way of comment, Petitioner is without prejudice to re-apply for SNAP benefits, but is reminded that he must provide all documentation requested by the Agency.

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

Officially approved final version.

DEC 13 2019

Natasha Johnson
Assistant Commissioner

