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TRENTON, NJ 08625-0716

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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 13358-19 K.T.

AGENCY DKT. NO. S447623006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals the Respondent Agency's denial of Petitioner's application for Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency denied Petitioner's application for SNAP benefits, at recertification, contending that he was not a resident of the county in which he filed said application. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 9, 2019, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. The record was held open until October 16, 2019, to allow the parties to provide additional documentation. On October 15, 2019, the Agency provided a copy of Petitioner's recertification application, and its February 8, 2019, notice approving SNAP benefits for a six-month certification period. Petitioner did not submit any documents, or request an extension of time to do so. The record then closed on October 16, 2019.

On October 29, 2019, the ALJ issued an Initial Decision, reversing the Agency's denial of Petitioner's application for SNAP benefits. The record in this matter reflects that on August 14, 2019, Petitioner applied for SNAP benefits. See Initial Decision at 2; see also Exhibit R-2 at 1. In support of his recertification application for SNAP benefits, Petitioner provided the Agency with receipts from two Atlantic County motels where he stayed in 2019. See Initial Decision at 2; see also Exhibit R-1 at 9, 10. Additionally, the Agency reviewed Petitioner's Electronic Benefits Transfer ("EBT") card transactions, and determined that most of his spending occurred in Atlantic County. See Initial Decision at 3; see also Exhibit R-1 at 12-50. The Agency also verified that Petitioner's Social Security benefits are mailed to a post office box located in Atlantic County. See Initial Decision at 2; see also Exhibit R-1 at 11. Based on these factors, the Agency contended that Petitioner was not a resident of Cumberland County, denied his recertification application for SNAP benefits, and advised him to apply for SNAP benefits in Atlantic County. See Initial Decision at 2; see also Exhibit R-1 at 2-5, and N.J.A.C. 10:87-3.2(a). Petitioner maintains that the address he used for his SNAP benefits is the Agency's address because he is transient, homeless, and currently living in Cumberland County. See Initial Decision at 3. Petitioner further contends that because he is homeless, he is entitled to benefits from Cumberland County, and that he does not want to apply for assistance in Atlantic County. See Initial Decision at 3.



The ALJ found that, in cases of homelessness, because the tools to verify an individual's address are not available, the Agency may use collateral contacts. See Initial Decision at 5. The ALJ further found that Petitioner's EBT spending outside of the county, the motel receipts, and the post office box were the collateral contacts used by the Agency to verify Petitioner's address. Accordingly, regarding the EBT spending, the ALJ found that Petitioner's spending habits alone are not enough, and that such evidence does not definitively show where Petitioner is actually living, as required by the regulations. See Initial Decision at 5, 6; see also N.J.A.C. 10:87-3.3. Likewise, as it relates to the motel receipts, and the post office box, the ALJ found that the correlation between these collateral contacts and where Petitioner actually lives are tenuous, and not an indication of where Petitioner is living. See Initial Decision at 5.

Accordingly, the ALJ concluded that the Agency's basis for denying Petitioner's eligibility for SNAP benefits, for allegedly not residing within Cumberland County, is not supported by the evidence, and its determination to deny Petitioner's eligibility for SNAP benefits must be reversed. See Initial Decision at 6; see also Exhibit R-1 at 2-5, and N.J.A.C. 10:87-3.2(a). I agree.

No Exceptions to the Initial Decision were filed.

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.

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

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