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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 01476-20 T.H.

AGENCY DKT. NO. C053622001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's termination of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits, as it contended that the father of two Petitioner's children did reside with Petitioner, and that his income should have been included as part of the total household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 7, 2020, the Honorable Susan M. Scarola, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On July 13, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that in October, 2019, during a recertification of Petitioner's application for SNAP benefits, the Agency became aware that S.W., the father of two of Petitioner's children, may be residing with her. See Initial Decision at 2; see also Exhibit R-1 at 12. Accordingly, on October 30, 2019, the Agency requested that Petitioner provide, among other items, income verification for S.W. See Exhibit R-1 at 21. Thereafter, on December 15, 2019, an Agency Investigator visited Petitioner's home, and spoke with S.W. See Initial Decision at 3; see also Exhibit R-2 at 1. S.W. indicated that he resided with a friend in Atlantic City, NJ, and provided that address to the investigator. Ibid. The investigator observed S.W.'s work uniforms in the bedroom, and other personal items of S.W. throughout the home. Ibid. S.W. also had indicated that he was temporarily out of work, due to knee surgery, but would be returning to work after he recovered. Ibid. Notably, S.W. has since returned to work. See Initial Decision at 4.

On December 18, 2019, an Agency Investigator visited the home in Atlantic City where S.W. claimed to have resided with a friend. Id. at 3; see also Exhibit R-2 at 2. The owner of the home in Atlantic City told the investigator that she purchased the home five years ago, and that S.W. does not live there. See Initial Decision at 3; see also Exhibit R-2 at 2, 3-4, 5-7. Based upon the information received on December 15, 2019, and December 18, 2019, the Agency concluded that S.W. did reside with Petitioner, and therefore, was a part of Petitioner's household. See Initial Decision at 3; see also N.J.A.C. 10:87-2.2(a)(2). Accordingly, on December 19, 2019, the Agency notified Petitioner that, effective January 1, 2020, her SNAP benefits would be terminated, due to an increase in the



household income, and also because Petitioner and S.W. did not maintain separate households. See Initial Decision at 2; see also N.J.A.C. 10:87-2.2, -2.19(i), -5.2(a)(2), -5.5(a)(2). Petitioner contends that S.W. does not live with her, and that he frequently looks after the children. See Initial Decision at 3.

The ALJ found that S.W. was a member of Petitioner's household, that he cannot be excluded when calculating Petitioner's eligibility for SNAP benefits, and that Petitioner bore the responsibility of reporting S.W.'s presence in the home, and his income. Id. at 5, 6; see also N.J.A.C. 10:87-2.2(c), -5.2(a)(1), (2). The ALJ concluded that Petitioner's monthly SNAP benefits were appropriately terminated based upon Petitioner's increased household size and household income. Id. at 7. Accordingly, the ALJ affirmed the Agency's termination of Petitioner's SNAP benefits. Ibid.; see also N.J.A.C. 10:87-2.2, -2.19(i), -5.2(a)(2), -5.5(a)(2). I agree.

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

As Assistant Commissioner, 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.

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

AUG 27 2020

Officially approved final version.

Natasha Johnson
Assistant Commissioner

