



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
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 **03681-25 J.M.**

AGENCY DKT. NO. **C283003020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits, contending that he is no longer a resident of Union County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 10, 2025, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 30, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following an independent evaluation of the record, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, based on the discussion below.

Here, Petitioner was approved by the Agency for SNAP benefits in June, 2023, after which almost all of Petitioner's Electronic Benefit Transaction ("EBT") card purchases occurred in West Virginia, from June, 2023 to January, 2025. See Initial Decision at 2; see also Exhibit R-1. Due to the ongoing use of Petitioner's EBT card out of state, the Agency conducted a home visit to the address used on his benefits application to verify his residence. Ibid. On January 17, 2025, Agency representatives visited the residence and were informed by a woman at the home that Petitioner was her uncle and that he had last visited the residence in August, 2024. Ibid. Thereafter, on January 24, 2025, the Petitioner phoned the Agency stating he spends significant time in West Virginia, as his parents are on hospice. Ibid. A review of Petitioner's EBT history indicates he used his SNAP benefits in New Jersey on June 23, 25, and 26, 2023 and then the benefits were used October 1, 2023 in West Virginia. See Initial Decision at 2-3; see also Exhibit R-1. Based upon a review of Petitioner's EBT history, the Agency concluded that Petitioner was not a resident of Union County, that he was residing out of state, and that he was overissued benefits, in the amount of \$5,652.90 for the time period of June, 2023, through January, 2025. Ibid. Petitioner contends that he commutes by bus and spends time in West Virginia to see his parents, but that he lives in New Jersey. See Initial Decision at 3.

The ALJ in this matter noted that the SNAP program has residency requirements for receipt of said benefits, as well as requiring an applicant for benefits to cooperate and provide requested documentation needed to determine eligibility. See Initial Decision at 4; see also N.J.A.C. 10:87-2.14, -2.15, -3.2, -3.3. Additionally, it should be noted that in order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household composition, household income, and residency. See N.J.A.C. 10:87-2.19, -2.20. Without said verification of required information, SNAP eligibility cannot be determined or granted. Ibid. Although the ALJ acknowledged that SNAP benefits



can be utilized to purchase food in other States, Petitioner's "consistent and extended (months)" of EBT use within a different state warranted further verification of information by the Agency to determine whether Petitioner was in fact a resident of Union County. See Initial Decision at 5; see also N.J.A.C. 10:87-3.2(a). As the facts in the record supported that Petitioner was not residing in New Jersey during almost the entire duration of Petitioner's receipt of SNAP benefits, and because Petitioner utilized SNAP benefits on a continual basis out of state, the ALJ found that the Agency had properly terminated Petitioner's SNAP benefits. See Initial Decision at 6. Accordingly, the ALJ concluded that the Agency's determination in this matter, that Petitioner did not reside in Union County, was proper and must stand. Ibid. Based on an independent review of the record, I agree.

Additionally, while I agree with the ALJ's conclusion that the Agency properly terminated Petitioner's SNAP benefits, for purposes of clarification, the Initial Decision contains certain references to an Intentional Program Violation ("IPV"), which is made pursuant to N.J.A.C. 10:87-11.3 and 7 C.F.R. 273.16(c). It should be noted that with respect to matters wherein IPVs are alleged to have been committed, the Agency is responsible for initiating an Administrative Disqualification Hearing ("ADH"), through which a determination of whether or not an IPV has been committed, and attendant disqualification penalties are then imposed. See N.J.A.C. 10:87-11.1, -11.2, -11.5. The current matter before the ALJ was solely regarding the termination of SNAP benefits to Petitioner based upon his not residing within Union County. The required notice procedure for an ADH to determine an IPV was not initiated by the Agency in this case, and thus there is no conclusion in regards to same. Ibid. Therefore, the Initial Decision is modified so as to provide clarification that the sole issue before the ALJ in the present case was the termination of Petitioner's SNAP benefits.

By way of comment, the Agency may separately pursue an IPV, if same is determined to be appropriate, and shall follow the correct notice procedures. See N.J.A.C. 10:87-11.5(a)(3)(i) and 7 C.F.R. 273.16(e)(3)(i).

Accordingly, the Initial Decision is MODIFIED and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version. May 21, 2025

Natasha Johnson
Assistant Commissioner

