



State of New Jersey

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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 14531-24 L.C.

AGENCY DKT. NO. C129324001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's termination of her Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency terminated Petitioner's SNAP benefits, contending that Petitioner failed to include a member in her household, and that with that individual's income, the household exceeded the maximum allowable amount for continued receipt of SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The hearing in this matter was initially scheduled for January 3, 2025, but due to various postponements and conferencing of the matter, the hearing ultimately began on February 21, 2025, at which time the hearing was continued to March 7, 2025. On March 7, 2025, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ,") concluded the telephonic plenary hearing, took testimony, admitted documents into evidence, and the record was held open for the submission of additional documentation. Following the submission of such documentation, the record was closed on March 25, 2025.

On April 8, 2025, the ALJ issued an Initial Decision, reversing the Agency's termination of Petitioner's SNAP benefits and remanding the matter to the Agency. The ALJ in this matter issued a thorough and comprehensive Initial Decision, providing a detailed factual timeline, outlining the applicable law, and then applying law to fact. See Initial Decision at 2-10. Here, the record reflects that Petitioner, a household of one, was receiving SNAP benefits, and sought recertification for same on July 5, 2024. See Initial Decision at 3; see also Exhibit R-1 at 39-45. Following the review of her recertification, the Agency terminated Petitioner's SNAP benefits effective August 23, 2024, after the lease agreement submitted listed another individual, "J.P." as the "head of household" and Petitioner as the "spouse." See Initial Decision at 3; see also Exhibit R-1 at 1-2, 17, 51. The Agency denied Petitioner continued benefits at recertification asserting that Petitioner and J.P. reside together as a single household, in a two-bedroom single-family apartment, with a single kitchen, for purposes of SNAP benefits. See Initial Decision at 3-4; see also Exhibits R-1 at 1, 51, and P-1 through P-6. During the pendency of the hearing process, the lease was amended at Petitioner and J.P.'s request so that the two are no longer reflected as being married. See Initial Decision at 4; see also Exhibits R-1 at 51, P-7. Petitioner and J.P. are not legally married and define their relationship as a platonic friendship wherein they sleep separately, maintain separate food provisions, and separately prepare their own meals. See Initial Decision at 4; see also Exhibit P-9 at 1. The ALJ found the testimony of Petitioner and J.P. to be generally credible, yet concerning in the potential that it may not be fully accurate. See Initial Decision at 5. Specifically, among other unusual testimony, was that the change in the lease from stating Petitioner and J.P. are married which went uncorrected until the matter was before the ALJ for a hearing. Ibid. Ultimately, the ALJ found that, while Petitioner and J.P. may periodically share "marginal portions of prepared food," the testimonial and documentary evidence showed "regular behavior of two individuals who are cohabitating." See Initial Decision at 6. Further, the ALJ found persuasive photographs presented by Petitioner of the storage, organization, and duplication of foodstuffs to evidence the separate maintenance and consumption by Petitioner and J.P. See Initial Decision at 6-7;



see also Exhibits P-1 to P-5. Accordingly, the ALJ found that Petitioner and J.P. form separate SNAP households under N.J.A.C. 10:87-2.1 et seq. and that, since Petitioner and J.P. do not share foodstuffs, nor prepare common meals, that their household incomes must also be separate when determining SNAP benefits. See Initial Decision at 9; see also N.J.A.C. 10:87-5.1(a).

During the recertification process, the Agency combined and utilized Petitioner and J.P.'s incomes in determining continued eligibility for SNAP benefits, which the ALJ concluded is incorrect. See Initial Decision at 10. Based upon the evidence presented, the ALJ determined that, in accordance with applicable regulatory authority, Petitioner does maintain a separate household from her roommate, J.P., for SNAP eligibility purposes, and therefore, J.P.'s income is not to be included when calculating Petitioner's household income for purposes of SNAP eligibility for continued benefits. See Initial Decision at 10; see also N.J.A.C. 10:87-2.2 and N.J.A.C. 10:87-2.3(a)(1)(iii). Based on an independent review of the record, I agree, and therefore remand this matter to the Agency and direct that the Agency reevaluate Petitioner's continued eligibility for SNAP benefits in accordance with this decision. Ibid. If determined eligible for SNAP benefits, the Agency shall issue retroactive SNAP benefits back to the date of termination. See N.J.A.C. 10:87-8.18.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, 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.

Accordingly, the Initial Decision in this matter is ADOPTED, and the Agency's determination is hereby REVERSED and the matter is REMANDED to the Agency for further action, as outlined above.

Officially approved final version. May 06, 2025

Natasha Johnson
Assistant Commissioner

