



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 13190-24 M.G.

AGENCY DKT. NO. C113107003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner challenges the Respondent Agency's reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits at recertification. The Agency reduced Petitioner's SNAP benefits at recertification, contending that Petitioner's daughter was an ineligible college student. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 13, 2024, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. The record remained open for both parties to submit additional documentation and then closed on November 18, 2024. On December 2, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, REVERSE the Agency's determination, based on the discussion below.

I hereby take official notice that the records of this office show that the Agency sent Petitioner a Request for Verification on May 14, 2024, directing Petitioner to sign, date and return the recertification application to the Agency. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). While the application in the record shows Petitioner's signature and a date of May 23, 2024, the application is stamped "Received" by the Agency on July 9, 2024. The fact that this recertification application was sent to Petitioner, and she was asked to sign and return, is certainly indicative that the form was predominantly completed when sent to Petitioner, presumably with information from an earlier SNAP application, and that she was to verify certain information contained in it. See Exhibit R-A at 6-13. Upon notification from the Agency on August 21, 2024, that her SNAP benefits allotment was being reduced due to Petitioner's daughter being an ineligible college student, in accordance with N.J.A.C. 10:87-3.14, Petitioner promptly submitted two separate written statements, indicating that she had spoken with "a young lady" at the Agency and had told her that her daughter did not attend college, nor is she employed. See Initial Decision at 2-3; see also Exhibit R-A at 15 and Exhibit R-B. The ALJ in this matter found that the Agency representative could not provide substantiating first-hand information, testimonial or documentary, as to the assertion that Petitioner had stated that her daughter was in college. See Initial Decision at 3. Petitioner credibly testified that her daughter was not in college, and that she did not fill in the section of the application that so indicated. See Initial Decision at 4. Based on the testimony and documentary evidence presented, the ALJ concluded that the Agency had not met its burden of proof in this case, and as such, Petitioner's daughter should have been included in Petitioner's SNAP household. Id. at 5. Accordingly, the ALJ reversed the Agency's determination in this matter and directed that the Agency



recalculate Petitioner's monthly SNAP benefits allotment to include Petitioner's daughter in the household, retroactive to the date of Petitioner's recertification application. Id. at 6. I agree. See N.J.A.C. 10:87-8.18.

Based on the foregoing, the Initial Decision in this matter is ADOPTED and the Agency's determination is hereby REVERSED, as outlined above.

Officially approved final version. January 02, 2025

Natasha Johnson
Assistant Commissioner

