



State of New Jersey

MIKIE SHERRILL
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

TRENTON, NJ 08625-0716

STEPHEN CHA, MD, MHSR
Commissioner

DR. DALE G. CALDWELL
Lt. Governor

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 **06433-26 T.B.**

AGENCY DKT. NO. **C104421018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency terminated Petitioner's WFNJ/TANF and SNAP benefits, contending that she was no longer a resident of Somerset County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 19, 2026, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was then held open and then closed on May 27, 2026. On June 5, 2026, the ALJ issued an Initial Decision, reversing the Agency's determinations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, hereby **REJECT** the Initial Decision and **AFFIRM** the Agency's determination, based on the discussion below.

For WFNJ, "A permanent residence is not an eligibility requirement. If an applicant expresses an intent to reside in the county or municipality, by providing verification of residence or by affirmatively stating his or her intent to reside in the jurisdiction, for purposes of WFNJ eligibility, the applicant shall be deemed to be a resident of such county and/or municipality." See N.J.A.C. 10:90-2.12(c).

Regulatory authority applicable to SNAP benefit cases, requires that a household must be a resident of the county in which it files an application for participation. See N.J.A.C. 10:87-3.2. "For purposes of the NJ SNAP program, a personal shall be considered a resident of the place in which he or she actually lives, without regard to legal residence or intent to remain permanently. There shall be no requirement that a person reside in the county for a specified period of time prior to application." See N.J.A.C. 10:87-3.3.

Here, the Agency sent Petitioner a notification of termination of benefits regarding her WFNJ/TANF and SNAP benefits on April 20, 2026, effective May 1, 2026, due to her residing in another county. See Initial Decision at 2; see also Exhibit R-1. At the time of the hearing, the Agency representative testified that the Agency had received court documents, related to child support, which indicated that Petitioner was residing with her two minor children in Hudson County, as well as with the father of her children, though she further testified that Petitioner had previously resided in Somerset County, and that her minor children continue to be bussed to attend school in Somerset County. Ibid.



Petitioner testified that she had been residing with her mother in Somerset County, when her mother was evicted, she became homeless in October, 2024, and began staying in a motel. See Initial Decision at 2. For the sake of clarity, it should be noted that the motel was not an Emergency Assistance ("EA") placement. Ibid. At some point, Petitioner and her children left the motel and moved in with Petitioner's adult child in Hudson County, which led to the termination of benefits by Somerset County. Ibid. At the time of the hearing, Petitioner testified that she has been living with her adult child in Hudson County, but that she would like to relocate back to Somerset County, where she resided prior to becoming homeless, and where her children attend school. See Initial Decision at 3. Petitioner also testified that she wished for her children to remain in their school, where they have specific educational supports in place and are currently being bussed. Ibid.

The ALJ found Petitioner credible when she testified that she wishes, and intends, to reside in Somerset County, specifically to support her children who continue to attend school in the county. See Initial Decision at 3. Based on the foregoing, and in accordance with regulatory authorities set forth at N.J.A.C. 10:90-2.12(c), N.J.A.C. 10:87-3.3 and -3.4, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and SNAP benefits, on the basis that she was not a resident of Somerset County, must be reversed. Id. at 3-4; see also Exhibit R-1.

I respectfully disagree. Rather, in this matter, Petitioner filed a child support action in Hudson County, and represented within such court documentation that her address, as well as the address of the children's father, was the same address, located in Hudson County. See Exhibit R-1. An independent review of the record in this matter evidences that on February 20, 2026, Petitioner informed the Agency via email that her mail could be sent to the address where she now resides in Hudson County. Ibid. The child support matter came before the Family Part in the Superior Court in Hudson County on March 23, 2026, and indicates that the children's father resides with Petitioner and their children in Hudson County. Ibid. On that same date, Petitioner filed an Application for Modification of Court Order and represented her residence in Hudson County. Ibid. As to the WFNJ/TANF benefits, and the applicable regulatory authority at N.J.A.C. 10:90-2.12(c), while Petitioner may have verbally expressed an intent to reside within a different county, she has taken no action beyond her verbal testimony at the hearing such as applying for employment, seeking housing, etc. in Somerset County. The only remaining connection to Somerset County lies in her children being bussed to school, which is required under the McKinney-Vento Act, a federal law which requires ensuring educational rights for youth experiencing homelessness. See 42 U.S.C. § 11431 et seq. As to the SNAP benefits, a household must be a resident of the county in which it files an application for participation in the benefits program. See N.J.A.C. 10:87-3.2. However, as discussed above, the documentary evidence in this matter supports that Petitioner is now residing in Hudson County, rather than Somerset County. As such, I am rejecting the Initial Decision to reflect that, if Petitioner should relocate to Somerset County it is only then that she may apply for WFNJ/TANF and SNAP benefits in that county, which application may be made upon relocation pursuant to the regulatory authority above. Petitioner is without prejudice to apply for WFNJ/TANF benefits, as well as SNAP benefits, in Hudson County.

By way of comment, at the time of the WFNJ/TANF benefits termination in this matter, the Agency was not providing any EA benefits to Petitioner, though she had previously submitted EA benefits applications to the Agency. See Exhibit R-1.

By way of further comment, the documentary evidence presented in this matter makes it unclear if Petitioner is residing with her adult son or rather, if she is residing with the non-custodial parent of her minor children, based upon the court order of March 23, 2026. See Exhibit R-1. At the time of the Superior Court hearing, the non-custodial parent owed arrearages exceeding \$18,000; however, on the same date as that hearing, Petitioner filed an application to vacate all arrears due to her. Ibid. Further, at the time of that hearing, the non-custodial parent testified that he resided with Petitioner and their children in Hudson County, though the apartment is not leased in his name. Ibid.

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

Officially approved final version. August 18, 2026

Natasha Johnson
Assistant Commissioner

