



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Director
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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 8375-15 S.S.

AGENCY DKT. NO. C478622 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits, because it contended that Petitioner did not maintain a separate household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 29, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 2, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision and, following an independent evaluation of the record, I hereby adopt the Findings of Fact and Conclusions of Law in this matter.

The record reflects that Petitioner and her two daughters share an apartment with M.S., a male college student who is unrelated to Petitioner and is not the father of Petitioner's children. See Initial Decision at 2. Petitioner and M.S. have an arrangement whereby M.S. pays for the monthly internet service, as well as \$400.00 per month toward the rent. Ibid. Petitioner pays the remaining rent of \$600.00 per month, plus the PSE&G bill. Ibid.

At the hearing, Petitioner testified that M.S. stays at the apartment from Monday through Thursday, but does not prepare meals there. See Initial Decision at 2. In addition, M.S. submitted a letter to the Agency dated May 5, 2015, stating that he and Petitioner are separately responsible for their own food and toiletries, and that he is not a part of Petitioner's household. Ibid.; see also Exhibit P-1.

In his Initial Decision, the ALJ opined that Petitioner maintains a separate household from M.S. because she purchases food and prepares meals for herself and her daughters separate and apart from M.S. See Initial Decision at 2-3; see also N.J.A.C. 10:87-2.2(a)(2). Therefore, the ALJ concluded, and I concur, that because Petitioner and her daughters have separate household status, the Agency's denial of Petitioner's SNAP application should be reversed. See Initial Decision at 3.

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

Signed Copy on File

at DFD, BARA

JUL 16 2015

Natasha Johnson

Director