



State of New Jersey

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*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

REMAND DECISION

OAL DKT. NO. HPW 16542-19 L.G.

AGENCY DKT. NO. C018676019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits due to Petitioner's alleged failure to provide requested documentation, and because she allegedly failed to accurately report her household composition. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 17, 2019, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On December 18, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the record reflects that, on September 17, 2019, Petitioner applied for SNAP benefits for herself and two children. See Initial Decision at 2; see also Exhibit R-1 at 2-18. In her application for SNAP benefits, Petitioner listed T.S. as a roommate, but did not apply for SNAP benefits for him. See Initial Decision at 2; see also Exhibit R-1 at 1, 4, 5. The Agency had previously considered Petitioner and T.S. to be a couple, having presented themselves to the Agency as a couple in the past. See Initial Decision at 3; see also Exhibit R-1 at 1. On September 20, 2019, the Agency requested that Petitioner provide, among other items, a Statement of Understanding, signed by T.S., acknowledging that he needs to be added to Petitioner's application for SNAP benefits, and a custody agreement for M.K., since M.K. was not Petitioner's biological child. See Initial Decision at 2; see also Exhibit R-1 at 20. Petitioner never provided the requested documentation and, as a result, the Agency denied Petitioner's application for SNAP benefits, effective October 17, 2019. See Exhibit R-1 at 1, 21, and N.J.A.C. 10:87-2.14, -2.22(c)(1), -2.27(e)(1).

The ALJ found Petitioner credible when she testified that she and T.S. are not a couple, and that he does not eat meals with her and the children. See Initial Decision at 2, 3. See N.J.A.C. 10:87-2.2(a)



(2). In addition, Petitioner testified credibly that she had understood that the Agency already possessed in its files, documentation regarding the custody of M.K. See Initial Decision at 3. Based on the evidence presented, the ALJ concluded that Petitioner's household is comprised of Petitioner and two children, and that T.S. is not a part of the SNAP household. Id. at 3, 4; see also N.J.A.C. 10:87-2.2(a). Accordingly, the ALJ reversed the Agency's denial of Petitioner's application for SNAP benefits, and ordered that Petitioner be granted SNAP benefits retroactive to the date of her September 17, 2019, application. See Initial Decision at 4; see also Exhibit R-1 at 1, 21, and N.J.A.C. 10:87-2.22, -2.27, -8.18.

While I agree with the ALJ, that T.S. is not a part of Petitioner's household, pursuant to applicable regulatory authority, Petitioner can only be granted SNAP benefits upon a determination that Petitioner is, in fact, eligible for same. See Exhibit R-1 at 2-19; see also N.J.A.C. 10:87-6.2. Accordingly, I am remanding this matter back to the Agency for action as follows. The Agency shall reevaluate Petitioner's eligibility for SNAP benefits as of September 17, 2019, based upon the documentation which she was requested to provide to the Agency, and which, in fact, the Agency already had in its possession, as demonstrated by the record in this matter. If Petitioner is determined to be eligible for SNAP benefits, Petitioner is to be provided with retroactive SNAP benefits to September 17, 2019, the date of her application. See N.J.A.C. 10:87-8.18. The Initial Decision is modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is hereby REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version.

JAN - 2 2020

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Natasha Johnson  
Assistant Commissioner

