



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES  
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*Lt. Governor*

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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 02975-21 S.W.

AGENCY DKT. NO. C046672019 (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 SNAP benefits, contending that she failed to cooperate with the Agency in processing her application for SNAP benefits, specifically, by not providing documents as requested by the Agency pertaining to her oldest child. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for April 27, 2021, but was adjourned at the request of both parties, in order to procure additional information. On the rescheduled date of May 11, 2021, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On May 19, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination.

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

As Assistant Commissioner, 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, as discussed below.

Here, the record reflects that on February 3, 2021, Petitioner applied for SNAP benefits for a household of two people, including Petitioner, and her 18-year old child, M.J. See Initial Decision at 2; see also Exhibit R-1 at 5-22. Petitioner's application indicated that M.J. did not work in the last three years. See Exhibit R-1 at 1 and 9. Petitioner did not include her 20-year old child, J.J., who was a full-time college student, living out of state. See Initial Decision at 2; see also Exhibit P-1. The Agency discovered that M.J. worked during the fourth quarter of 2020. See Initial Decision at 2; see also Exhibit R-1 at 39. The Agency also discovered that J.J. was receiving Medicaid benefits and Unemployment Insurance Benefits ("UIB"), using Petitioner's home address. See Initial Decision at 2-3; see also Exhibit R-1 at 28-29, 30-31. On February 5, 2021, the Agency requested that Petitioner provide, among other items, copies of M.J.'s paystubs received within the last 30 days, or a letter indicating M.J.'s last day of work, and also provide J.J.'s current address, or if J.J. did reside in the home, provide a copy of J.J.'s UIB



claim. See Exhibit R-1 at 33-34. On February 14, 2021, Petitioner notified the Agency that M.J. did not receive any paystubs within the last 30 days, and that he received no income for the past six weeks. See Exhibit R-1 at 36. On February 15, 2021, Petitioner advised the Agency that J.J. had not resided with her since August, 2020, which is the reason why she did not include him in her application for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at 35. Petitioner did not provide verification of J.J.'s current address. See Exhibit R-1 at 2.

Thereafter, the Agency determined that J.J. must be included in an application for SNAP benefits to make it a SNAP application for a three-person household, and denied Petitioner's application for SNAP benefits for a household of two, on the basis that Petitioner failed to provide complete and/or verified information regarding J.J. See Initial Decision at 2-3; see also Exhibit R-1 at 1-2, and N.J.A.C. 10:87-2.27(e).

The ALJ found that J.J. is an out of state college student, does not reside in the household, and therefore, his resources or income must be excluded from Petitioner's household. See Initial Decision at 3; see also Exhibit P-1, and N.J.A.C. 10:87-3.14(e). Based on the foregoing, the ALJ concluded that Petitioner is eligible for SNAP benefits as household of two, that the Agency's decision to deny Petitioner's application for SNAP benefits must be reversed, and that the Agency grant Petitioner SNAP benefits retroactive to the date of her February 3, 2021, application. See Initial Decision at 4.

While I agree with the ALJ, that Petitioner's household is comprised of her and M.J., 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 9-26; 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 February 3, 2021, based upon the documentation which she was requested to provide to the Agency, and which she did, in fact, provide, as demonstrated by the record in this matter. If Petitioner is determined to be eligible for SNAP benefits, based on the submitted documentation, Petitioner is to be provided with retroactive SNAP benefits to February 3, 2021, 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.

**JUN 24 2021**

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Natasha Johnson  
Assistant Commissioner

