



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 **10373-22 C.W.**

AGENCY DKT. NO. **C035146017 (SALEM COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits, contending that the father ("L.P.") of Petitioner's four children resided with Petitioner, and that his income should have been included as part of the total household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 19, 2022, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On January 3, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that, based upon an August 5, 2022, investigation report, as well as verifying documents, the Agency became aware that L.P., the father of Petitioner's four children, may be residing with her. See Initial Decision at 2; see also Exhibit R-1 at 5, 6, 8, 11-12. Accordingly, on August 19, 2022, the Agency requested that Petitioner provide, among other items, income verification for L.P., and advised her that failure to do so would result in her SNAP benefits case being closed. See Initial Decision at 2; see also Exhibit R-1 at 13-14. Thereafter, along with other information, Petitioner responded by providing a letter from her sister, wherein Petitioner's sister stated that L.P. had been residing with her since January/February 2021. See Initial Decision at 2-4; see also Exhibits R-1 at 15, R-2 at 3-4, 8-9. Petitioner also submitted driver's license documentation alleging that L.P. resided with his parents in Pennsylvania, and testified that although L.P. visits his children regularly, he does not reside with her. See Initial Decision at 4-5; see also Exhibit R-2 at 5-6. However, upon further investigation of both of Petitioner's aforementioned claims, it was determined by the Agency Investigator that L.P. did not live with Petitioner's sister, or with his parents, but rather, resided with Petitioner. See Initial Decision at 3-4; see also Exhibits R-1 at 8, 17-19, 21-22, R-2 at 7. Consequently, by notice dated September 12, 2022, the Agency terminated Petitioner's SNAP benefits, effective October 1, 2022. See Initial Decision at 2; see also Exhibit R-1 at 3-4, and N.J.A.C. 10:87-2.1, -2.2(a), -2.19(g)(1).

Based on the testimonial and documentary evidence presented, the ALJ found that Petitioner had failed to prove that L.P. is a separate household, that L.P. cannot be excluded when calculating Petitioner's



eligibility for SNAP benefits, and that Petitioner bore the responsibility of reporting L.P.'s presence in the home, and his income. See Initial Decision at 4-7; see also N.J.A.C. 10:87-2.2(a)(3), -2.2(c), -2.19(i) (1), -2.20(a), (c), and -5.2(a)(1), (2). The ALJ concluded that Petitioner's monthly SNAP benefits were appropriately terminated based upon the Agency's inability to determine the correct resource amount for the household unit. See Initial Decision at 6-7; see also N.J.A.C. 10:87-5.2(a)(1), (2). Accordingly, the ALJ affirmed the Agency's termination of Petitioner's SNAP benefits. See Initial Decision at 7; see also Exhibit R-1 at 3-4. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

By way of comment, Petitioner is without prejudice to re-apply for SNAP benefits, and is advised that she must either provide proof that L.P. is not a member of her household, or provide proof of L.P.'s income.

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

Officially approved final version. January 26, 2023

Natasha Johnson
Assistant Commissioner

