



## State of New Jersey

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TRENTON, NJ 08625-0716

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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

FINAL DECISION

OAL DKT. NO. HPW **02619-23 D.K.**

AGENCY DKT. NO. **C120421008 (GLOUCESTER COUNTY DIV. 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, as it contended that Petitioner was not a resident of the county in which he had applied for SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On April 28, 2023, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a virtual plenary hearing, took testimony, admitted documents, and the record then closed. On May 12, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on June 12, 2023.

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, I concur with the ALJ's final conclusion in this matter, and hereby ADOPT the Findings of Fact and Conclusion of Law, as discussed below.

Petitioner was a previous recipient of SNAP benefits, up to August 1, 2022, when his SNAP benefits were then terminated, for not being a resident of the county he had originally filed for, and had been receiving SNAP benefits. Petitioner appealed the August 1, 2022, termination of his SNAP benefits. On November 10, 2022, ALJ Kimberley M. Wilson issued an Initial Decision ("ID"), affirming the Agency's termination of Petitioner's SNAP benefits. See OAL Docket No. HPW 08063-2022. Thereafter, on January 13, 2023, this office issued a Final Agency Decision ("FAD"), affirming ALJ Wilson's ID, and adopting the ALJ's Findings of Fact and Conclusion of Law. In the interest of judicial economy and interest, I take official notice of ALJ Wilson's November 10, 2022, ID, and the January 13, 2023, FAD, and incorporate them here by reference. See N.J.A.C. 1:1-15.2(a); see also N.J.R.E. 201(b)(4).

In the present matter, the record reflects that after the November 10, 2022, ID, and before this office issued its January 13, 2023, FAD, Petitioner submitted an application for SNAP benefits on November 29, 2022. See Initial Decision at 2; see also Exhibit R-1 at 96-104. Petitioner included two new documents that the Agency had not previously considered, specifically, a Lease Amending Agreement,



and a Social Security Administration change of address form. See Initial Decision at 3, 10-11; see also Exhibits P-10, R-1 at 30-32, 105. Petitioner provided these documents to purportedly bolster the premise that he, in fact, lived in the county. On December 22, 2022, the Agency denied Petitioner's application, determining that he did not reside in the county. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:87-3.2.

The ALJ in this matter found that three home visits conducted by the Agency on January 26, 2023, February 3, 2023, and April 27, 2023, to the Gloucester County address, to verify Petitioner's purported residence there, were unsuccessful. See Initial Decision at 3-4, 12; see also Exhibit R-1 at 129-130. The ALJ noted that this was consistent with a previous Agency investigation, in connection with Petitioner's June, 2022, SNAP recertification application, to confirm if Petitioner resided in Gloucester County. See Initial Decision at 15; see also Exhibit R-1 at 83-91, and November 10, 2022, ID, and January 13, 2023, FAD. The ALJ further found that Petitioner's vehicle was never observed at the Gloucester County address, and that Petitioner was never observed entering or exiting the Gloucester County address. See Initial Decision 12. As it relates to the Leasing Amending Agreement, the ALJ found that it is a self-serving document, and its legitimacy cannot be verified. *Id.* at 16. Regarding the document from the Social Security Administration, the ALJ found that it alone does not provide determinative proof of Petitioner's residency. *Ibid.*

Based on the foregoing, the ALJ concluded that the Agency has proven, by a preponderance of the credible evidence, that Petitioner does not reside in Gloucester County, thereby making him ineligible to receive benefits from the Respondent Agency. *Id.* at 17. Accordingly, the ALJ affirmed the Agency's denial of Petitioner's application for SNAP benefits. *Ibid.*; see also Exhibit R-1 at 1, and N.J.A.C. 10:87-3.2.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. July 26, 2023

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Natasha Johnson  
Assistant Commissioner

