



State of New Jersey

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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 **08063-22 D.K.**

AGENCY DKT. NO. **C120421008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner appeals the Respondent Agency's termination of his Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits, contending that he was not a resident of the county in which he had originally filed for, and had been receiving, SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 21, 2022, the Honorable Kimberley M. Wilson, Administrative Law Judge ("ALJ"), held a virtual plenary hearing, took testimony, admitted documents, and the record then closed. The record was reopened on October 27, 2022, to confirm prior testimony given by F.K., as F.K. did not swear or affirm that the testimony that he had given on October 21, 2022, was true and accurate, and the record again closed on that date.

On November 10, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history and factual timeline, and providing a detailed and well thought out analysis. The record reflects that Petitioner initially applied for SNAP benefits on November 12, 2019. See Initial Decision at 2; see also Exhibit R-1 at 8 - 11. Petitioner indicated that he lived at an address located in Gloucester County. Ibid. On May 24, 2022, Petitioner submitted a recertification application for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at 16-18. Notably, Petitioner's May 24, 2022, recertification application was prepared by F.K., Petitioner's son and authorized representative. See Initial Decision at 11; see also Exhibit R-1 at 13. It should be noted that, while an authorized representative, at the time of the relevant interviews in this case, F.K. did not have permission to conduct SNAP benefit related interviews on Petitioner's behalf. See Initial Decision at 5-6. On May 5, 2022, during Petitioner's telephonic SNAP recertification interview, the Agency was unable to determine whether it was speaking with Petitioner, or F.K., and as such, was unable to definitively confirm whether Petitioner, in fact, was on the telephone as required. Ibid.; see also Exhibit R-1 at 15. Due to the Agency's concerns surrounding the May 5, 2022, telephonic interview, the Agency representative created an internal referral for fraud investigation. See Initial Decision at 5, 11; see also Exhibit R-1 at 48.



The Agency investigation conducted in this matter revealed that Petitioner's driver's license and motor vehicle registration both list an address located in Camden County; that Petitioner and his spouse own the property in Camden County where Petitioner's driver's license and motor vehicle registration are both listed; that Petitioner is registered to vote at the Camden County address; and that Petitioner receives his Social Security benefits at the Camden County address. See Initial Decision at 10; see also Exhibit R-1 at 20, 21, 27, 28, 35-36, 37-38, 39-44. Moreover, the ALJ found the Agency's investigator credible when he testified that he conducted surveillance at the Camden County address, and observed Petitioner's car in the driveway each time, and that he did not see Petitioner coming in and out of his vehicle at the Camden County address, or entering and exiting the home listed at the Camden County address, thus leading the ALJ to agree with the Agency, and conclude that there was no connection between Petitioner and Gloucester County. See Initial Decision at 3, 11, 13-14; see also Exhibit R-1 at 22, 23, 29-35. The ALJ also found that all of Petitioner's information, including his car, mail, vehicle registration, voter's registration and Social Security, lists the Camden County address, and not the Gloucester County address. Ibid.

Accordingly, based on the foregoing, and having the opportunity to weigh the credibility of the witness and evidence, the ALJ concluded that the Agency's basis for terminating Petitioner's SNAP benefits, for not residing within Gloucester County, was supported by the totality of the evidence presented, and must be affirmed. See Initial Decision at 14; see also Exhibit R-1 at 1-2, and N.J.A.C. 10:87-3.2(a). Following an independent review of the record, I agree.

Exceptions to the Initial Decision were filed by Petitioner on November 23, 2022.

As Assistant Commissioner, Division of Family Development, 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.

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 determination in this matter is AFFIRMED.

Officially approved final version. January 13, 2023

Natasha Johnson
Assistant Commissioner

