



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 **08446-23 R.E.**

AGENCY DKT. NO. **C043106019 (SUSSEX COUNTY DIVISION 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 Petitioner was not a separate household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for November 11, 2023, but was adjourned to allow Petitioner's counsel to consult with the Agency. The matter did not resolve, and on December 5, 2023, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ") held a plenary hearing, took testimony and admitted documents.

On December 12, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found the testimony of Petitioner and her father's substantiating letters, credible, accordingly finding that, although they reside together, Petitioner purchases her food separately, using her SNAP benefits and assists her elderly, 81 year old, wheelchair bound, father by purchasing his food using his own separate funds. See Initial Decision at 2-4; see also Exhibit R-1 at 1, 30. The ALJ also found that Petitioner prepares her food using her SNAP purchased groceries and assists her father by preparing his food from his separately purchased groceries. Ibid. Further, the ALJ found that, although Petitioner and her father, at times, "literally" eat together at the same table, such does not constitute a single SNAP household. Ibid. Further, the ALJ found, and the record substantiates that Petitioner, as Power of Attorney ("POA") for her father, assists her father with his banking, does not comingle her funds with her father's funds, but rather deposits into his account only those personal funds that are owed to him for her portion of the household expenses, and that as is her duty as her father's POA, she does not withdraw any funds from her father's account for her own personal use. See Initial Decision at 2-4; see also Exhibit R-1 at 2-29, 35-40. Based on the foregoing, the ALJ found that Petitioner had established that she and her father are separate households from one another for SNAP eligibility purposes. See Initial Decision at 4-5; see also N.J.A.C. 10:87-2.2 and N.J.A.C. 10:87-2.3(a)(1)(iii). Of note, the record reflects that Petitioner is now receiving SNAP benefits, effective November 14, 2023. See Initial Decision at 3. Accordingly, the ALJ reversed the Agency's determination and ordered the Agency to provide Petitioner with SNAP benefits for the period July 1, 2023, through November 13, 2023. Id. at 5. 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 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.

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

Officially approved final version. January 17, 2024

Natasha Johnson
Assistant Commissioner

