



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 **06568-22 E.R.**

AGENCY DKT. NO. **C092003003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency denied Petitioner SNAP benefits, at recertification, contending that Petitioner failed to provide requested documentation necessary to determine eligibility for the alleged household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 31, 2022, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), began the plenary hearing, which continued on September 9, 2022, during which the ALJ took testimony and admitted documents. The record was held open for the submission of additional documentation and then closed on September 19, 2022. On October 3, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on October 12, 2022.

As Assistant Commissioner, Division of Family Development ("DFD"), 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, based on the discussion below.

N.J.A.C. 10:87-2.2(a)(3) states that a household is comprised "a group of individuals living together for whom food is purchased in common and for whom meals are prepared together for home consumption[.]"

Based upon an independent review of the record, the issue in this matter revolves around the listing by Petitioner of her son, G.R., on her SNAP recertification application, and whether G.R. was a member of the SNAP household, such that verification of income for G.R. must be taken into account to determine the household's continued eligibility for SNAP benefits. See Exhibit R-B. As a result, the Agency requested various documentation pertaining to G.R. See Exhibit R-C. In response, Petitioner advised that her son G.R. had assisted her during the period when she had been ill with COVID-19, but he was "in and out," and did not reside with her. See Exhibit R-D; see also Initial Decision at 4 and Exhibit P-1. Thereafter, on June 20, 2022, the Agency denied Petitioner SNAP benefits, at recertification, effective



May 1, 2022. See Exhibit R-E; see also Initial Decision at 6. The ALJ in this matter found Petitioner's testimony credible, that her son was only there to assist her while she was ill, and that she had made all good faith efforts to cooperate with the Agency's verification process. See Initial Decision at 5, 7. Based on the foregoing, the ALJ concluded that the Agency's determination to deny Petitioner SNAP benefits, at recertification, was improper and must be reversed. Id. at 7; see also N.J.A.C. 10:87-2.2(a)(3).

While I agree with the ALJ, that, based upon the particular circumstances presented in this matter, Petitioner's son G.R. should not be included in the SNAP household, nonetheless, pursuant to applicable regulatory authority, Petitioner can only be granted SNAP benefits upon a determination that Petitioner is, in fact, eligible for same. See 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 evaluate Petitioner's application and submitted documentation for continued eligibility for SNAP benefits, see Exhibit R-B, and shall exclude Petitioner's son G.R. from Petitioner's SNAP household in that evaluation. See N.J.A.C. 10:87-2.2(a)(3). The Agency shall expedite the substantive evaluation of Petitioner's application and documentation, and if Petitioner is determined to be eligible for SNAP benefits, Petitioner is to then be provided with retroactive SNAP benefits to May 1, 2022. See N.J.A.C. 10:87-8.18. Should the substantive evaluation result in another denial of SNAP benefits, Petitioner may request another fair hearing on that substantive denial. The Initial Decision is modified to reflect these findings.

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

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.

December 7, 2022

Natasha Johnson

Assistant Commissioner

