



## State of New Jersey

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TRENTON, NJ 08625-0716

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 **05546-22 K.L.**

AGENCY DKT. NO. **C045138008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency denied Petitioner's application for WFNJ/TANF and SNAP benefits, as it contended that Petitioner failed to provide documentation regarding household composition, which was necessary to process her application for WFNJ/TANF and SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 29, 2022, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On August 12, 2022, the ALJ issued an Initial Decision, reversing the Agency's denial of SNAP and WFNJ/TANF benefits, and remanding the matter back to the Agency, for it to evaluate Petitioner's eligibility for WFNJ/TANF and SNAP benefits, based on a household of two.

Here, the record reflects that on April 7, 2022, Petitioner applied for WFNJ/TANF and SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at 32-49. Petitioner indicated that she was single, and that her household was comprised of herself and her child. Ibid. On April 12, 2022, during a telephone interview, Petitioner informed the Agency that she resided in a trailer located on her estranged spouse's ("D.L.") property, and that she paid him monthly rent to live on the property. See Initial Decision at 2; see also Exhibit R-1 at 3-5. Petitioner also advised the Agency that her child is not D.L.'s biological child. Ibid. On that same date, the Agency requested that she provide additional information, specifically, a verification of D.L.'s income, utility bills, and living arrangements, such as sleeping, eating, and rental information. See Initial Decision at 2; see also Exhibit R-1 at 6.

On April 25, 2022, Petitioner provided to the Agency, a gas bill denoting Petitioner and D.L. as the account holders, and bank letters addressed to Petitioner at D.L.'s home address. See Initial Decision at 3; see also Exhibit R-1 at 50-51, 52-53, 54-55. Thereafter, on April 27, 2022, Petitioner provided to the Agency, a letter from D.L. confirming, among other items, that Petitioner and her child lived in a camper in his driveway; that she paid him monthly rent; that he did not share any expenses with her;



that his finances were separate from Petitioner's; and that Petitioner is responsible for all of her and her child's living expenses. See Initial Decision at 3; see also Exhibit R-1 at 58.

The Agency reviewed the documents provided by Petitioner on April 25, 2022, and April 27, 2022, and determined that she did not provide all of the information requested on April 12, 2022, specifically, D.L.'s identification information, and financial information, such as paystubs or other income to determine Petitioner's eligibility. See Exhibit R-1 at 6, 50-51, 52-53, 54-55, and 58. Accordingly, on May 9, 2022, the Agency denied Petitioner's application for WFNJ/GA and SNAP benefits. See Initial Decision at 3; see also Exhibit R-1 at 65, 66-71, and N.J.A.C. 10:87-2.14, and N.J.A.C. 10:90-2.2(a)(5).

The ALJ found Petitioner and D.L. to be credible when they both testified that while they are still legally married, they have not been together as husband and wife for 21 years. See Initial Decision at 6. The ALJ further found that Petitioner and her child live in a camper on D.L.'s property, and that while they have access to D.L.'s home to use the facilities and the kitchen, they do not sleep or eat in the house with D.L., and they do not share food or shop together. See Initial Decision at 7. Based on the foregoing, the ALJ further found that Petitioner and D.L. maintained separate households, and therefore concluded that since D.L. was not a member of Petitioner's household, Petitioner's action in not submitting information regarding D.L., as had been requested by the Agency, was not in violation of regulatory authority. See Initial Decision at 10; see also Exhibit R-1 at 6, and N.J.A.C. 10:87-2.2, and N.J.A.C. 10:90-2.7. Accordingly, the ALJ reversed the Agency's denial of WFNJ/TANF and SNAP benefits to Petitioner, and remanded the matter back to the Agency, so that it may consider Petitioner's eligibility for WFNJ/TANF and SNAP benefits, based upon a household of two. See Initial Decision at 10; see also Exhibit R-1 at 65, 66-71, and N.J.A.C. 10:87-2.14, and N.J.A.C. 10:90-2.2(a)(5). Based upon an independent review of the record, I agree. The Agency shall expedite the substantive evaluation of Petitioner's applications for WFNJ/TANF and SNAP benefits. Based on that evaluation, if Petitioner is determined to be eligible for WFNJ/TANF and/or SNAP benefits, Petitioner is to then be provided with retroactive WFNJ/TANF and SNAP benefits to April 7, 2022, the date of application. See N.J.A.C. 10:90-9.16(e) and N.J.A.C. 10:87-8.18. Should the substantive evaluation result in another denial of WFNJ/TANF and/or SNAP benefits, Petitioner may request another fair hearing on that substantive denial(s).

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision. Following an independent evaluation of the record, I concur with the ALJ's decision in this matter and I hereby adopt the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

Accordingly, the Initial Decision in this matter is ADOPTED, the Agency's determination is hereby REVERSED, and the matter is REMANDED back to Agency, as discussed above.

Officially approved final version.

October 5, 2022

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Natasha Johnson  
Assistant Commissioner

