



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **09074-22 K.S.**

AGENCY DKT. NO. **C035108017 (SALEM COUNTY BOARD 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 the father ("J.G.") of four of Petitioner's five children resided with Petitioner, and that his income should have been included as part of the total household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 7, 2022, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On November 16, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that, based upon an August 5, 2022, investigation report, as well as verifying documents, the Agency became aware that J.G., the father of four of Petitioner's children, may be residing with her. See Initial Decision at 2-3; see also Exhibit R-1 at 10-14, 19-21. Accordingly, on August 11, 2022, the Agency requested that Petitioner provide, among other items, income verification for J.G., and advised her that failure to do so would result in her SNAP benefits case being closed. See Initial Decision at 2; see also Exhibit R-1 at 24. Thereafter, on August 15, 2022, Petitioner responded by letter wherein she complained about the investigation, and provided a SNAP addendum, listing herself and her four children as members of the household, stating therein that J.G. did not reside with her, but failing to provide an address as to where J.G. did reside. See Initial Decision at 2; see also Exhibit R-1 at 25-27. Consequently, by notice dated August 30, 2022, the Agency terminated Petitioner's SNAP benefits, effective October 1, 2022. See Initial Decision at 2; see also Exhibit R-1 at 3-4, and N.J.A.C. 10:87-2.19(g)(1). Petitioner testified that J.G. does not live with her, that he lives with his mother in New York, that he visits his children regularly, and that it was her oldest son's clothes that the Agency Investigator had seen in her bedroom, as she shares a closet with her oldest son. See Initial Decision at 3; see also P-1, P-2.

Based on the testimonial and documentary evidence presented, the ALJ found that Petitioner had failed to prove that J.G. is a separate household, that J.G. cannot be excluded when calculating Petitioner's eligibility for SNAP benefits, and that Petitioner bore the responsibility of reporting J.G.'s presence in the



home, and his income. See Initial Decision at 3-5; see also N.J.A.C. 10:87-2.2(a)(3), -2.2(c), -2.19(i) (1), -2.20(a), (c), and 5.2(a)(1), (2). The ALJ concluded that Petitioner's monthly SNAP benefits were appropriately terminated based upon the Agency's inability to determine the correct resource amount for her household unit. See Initial Decision at 5; see also N.J.A.C. 10:87-5.2 (a)(1), (2). Accordingly, the ALJ affirmed the Agency's termination of Petitioner's SNAP benefits. Ibid.; see also Exhibit R-1 at 3-4. I agree.

Exceptions to the Initial Decision were filed by Petitioner on December 1, 2022.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

By way of comment, Petitioner is without prejudice to re-apply for SNAP benefits, and is advised that she must either provide proof that J.G. is not a member of her household, or provide proof of J.G.'s income.

By way of further 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 in this matter is ADOPTED, and the Agency's determination is hereby AFFIRMED.

Officially approved final version. December 27, 2022

Natasha Johnson
Assistant Commissioner

