



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 **07494-21 Y.V.**

AGENCY DKT. NO. **C133402001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from the Respondent Agency's August 3, 2021, denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, contending no separate household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 19, and 30, 2021, the Honorable William T. Cooper, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On December 14, 2021, the ALJ issued an Initial Decision, affirming the Agency's August 3, 2021, determination. Here, the record reflects that Petitioner originally applied for SNAP benefits on October 22, 2020, with said application being denied by the Agency. See Initial Decision at 2. Petitioner appealed that denial, and following a fair hearing before an ALJ, an Initial Decision was issued, reversing the denial due to Petitioner's failure to provide verifications. *Ibid.*; see also Exhibit R-2. This office subsequently issued a Final Agency Decision ("FAD") on June 17, 2021, adopting the ALJ's reversal of the Agency's denial, but directing that the matter be remanded to the Agency for a substantive review of Petitioner's SNAP benefits application, after the Agency had requested necessary information needed to evaluate Petitioner for SNAP benefits eligibility. See Initial Decision at 2; see also Exhibit R-3. Thereafter, on June 30, 2021, the Agency sent Petitioner a Notice of Verification form, together with a Living Arrangement Affidavit. See Initial Decision at 6; see also Exhibit R-4. Responses to the form were timely submitted on July 14, 2021. *Ibid.*

Based on the requested information, it was established that Petitioner, age 77, lives with her daughter and son-in-law. *Ibid.* The record further reveals that Petitioner receives Supplemental Security Income ("SSI") benefits, and while she does not pay rent or utilities, her SSI benefits are used towards household expenses. *Ibid.* Furthermore, it was clear from the requested documentation that Petitioner, her daughter and son-in-law shop and prepare food together, and sometimes Petitioner's daughter shops for Petitioner because Petitioner is unable to purchase and prepare meals on her own. See Initial Decision at 7. Based on record presented, and applicable regulatory authority, it is clear that Petitioner, her daughter and her daughter's husband purchase and prepare food as one household, with no evidence having been presented to refute same. *Ibid.*; see also N.J.A.C. 10:87-2.2(a)(2). As such, the ALJ in



the present matter concluded that Petitioner does not constitute a separate household, and therefore, the Agency's August 3, 2021, denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 7-8; see also N.J.A.C. 10:87-2.2(a)(2). 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.

By way of comment, I find there was no prejudice to Petitioner with respect to the form referenced in the prior FAD, and those actually sent and utilized by the Agency on the remand for the obtaining of required information and the substantive review of Petitioner's SNAP benefits application. See Initial Decision at 6; see also Exhibit R-3.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

January 6, 2022

Natasha Johnson
Assistant Commissioner

