



State of New Jersey

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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 **09689-25 C.C.**

AGENCY DKT. NO. **C085952001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from the Respondent Agency's denial of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, contending that Petitioner failed to include a member in her household, and thus she was unable to apply as a separate SNAP household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 11, 2025, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record was held open until July 16, 2025, to allow for both parties to submit additional documentation in support of their testimony. No additional documents were submitted, by either party, and the record closed on July 16, 2025. On July 29, 2025, the ALJ issued an Initial Decision, reversing the Agency's denial of Petitioner's SNAP benefits.

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, and I hereby MODIFY the Initial Decision, REVERSE the Agency's determination and REMAND to the matter to the Agency for further action, based on the discussion below.

Here, the record reflects that Petitioner applied for SNAP benefits on January 28, 2025, on behalf of a household of four, which included Petitioner and her three minor children. See Initial Decision at 2. On February 7, 2025, an Agency representative conducted a telephone interview with Petitioner, wherein the Agency questioned Petitioner as to the whereabouts and financial contributions from A.S., the father of Petitioner's two younger children. Ibid.; see also Exhibit R-1 at 14. Following the interview, the Agency representative requested that an investigation be conducted as to who resided within Petitioner's household, which led to an investigation and the submission of an investigation report. See Initial Decision at 2; see also Exhibit R-1 at 22-23. The Agency investigator in this matter utilized a vehicle locator and discovered that A.S. was the owner of a particular make and model of truck which was registered at Petitioner's address. See Initial Decision at 2-3; see also Exhibit R-1 at 24. On February 21, 2025, the Agency investigator interviewed Petitioner at her home, at which time Petitioner stated that A.S. did not reside with her, that he lives with his parents, and that he is employed by his parents. See Initial Decision at 3. Following the interview, the Agency investigator observed a truck matching the make and model of a vehicle registered to A.S. on Petitioner's property. See Initial Decision at 3. On February 26, 2025, the investigator visited the address of A.S.'s parents, however, no one answered the door. Ibid. Based upon the results of the vehicle registration, and the presence of the vehicle at Petitioner's property, the Agency investigator was unable to affirmatively verify that A.S. was not residing with Petitioner and her minor children. Ibid. The Agency therefore denied Petitioner's SNAP application effective March 5, 2025. See Initial Decision at 3; see also Exhibit R-1 at 1. At the time of the hearing, Petitioner provided testimonial evidence that A.S.'s parents had allowed her use of



the truck for a few months to transport herself back and forth to her work, as her previously using a bus to reach work was difficult. Ibid. Petitioner further testified that A.S. has substance abuse issues and that he has never provided financially for Petitioner or their two minor children. See Initial Decision at 4.

The ALJ found that Petitioner consistently testified that A.S. does not reside with her and that the evidence introduced into the record by the Agency did not establish, by a preponderance of the evidence, that A.S. was residing with Petitioner. Id. at 5-7. Further, the ALJ found that there is no custody order in place in this matter, nor any child support order for A.S. to financially provide support for the two minor children. Id. at 6. Accordingly, based upon the evidence presented, the ALJ concluded that, in accordance with applicable regulatory authority, Petitioner does maintain a separate household from A.S. for SNAP eligibility purposes, and therefore, he is not to be included in the household when determining Petitioner's SNAP eligibility. Id. at 6-7; see also N.J.A.C. 10:87-2.2 and N.J.A.C. 10:87-2.3(a)(1)(iii). As such, the ALJ reversed the Agency's determination and remanded the matter to the Agency for processing. See Initial Decision at 7. Based on an independent review of the record, I agree. Accordingly, this matter is remanded back to the Agency to reevaluate Petitioner's application to determine eligibility on an expedited basis. Based on that reevaluation, if Petitioner is determined to be eligible for SNAP benefits, Petitioner is to then be provided with retroactive SNAP benefits back to the date of her application. 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.

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

Officially approved final version.

August 13, 2025

Natasha Johnson

Assistant Commissioner

