



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 **06522-25 I.P.**

AGENCY DKT. NO. **S532401009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of his Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits, contending that Petitioner was not a separate household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 20, 2025, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On June 27, 2025 the ALJ issued an Initial Decision, reversing the Agency's determination.

Here, the Agency received a fraud referral from an individual ("M.P.") claiming that her soon to be ex-husband had applied for SNAP benefits, and that he had not reported her income. See Initial Decision at 2. M.P. reported that she had financially supported Petitioner throughout their marriage and indicated that, while the divorce is pending, they are residing in their co-owned property. Ibid.; see also Exhibit R-1. The Agency found that, due to their marital status, Petitioner could not apply for SNAP benefits as a separate household, and that he had received SNAP benefits, due to an inadvertent household error ("IHE") from June, 2024 through March, 2025, in the amount of \$2,896, which must be recouped. Ibid. Petitioner testified that he and M.P. co-own the house where both currently reside and that, due to their pending divorce, he is living as a separate household in one bedroom of the property. See Initial Decision at 2. Petitioner further testified that he has no income, that he suffers from multiple disabling medical conditions, and that he has his own financial responsibilities within the home, such as payment for his internet and phone services as well as purchasing, preparing, and eating his meals alone. See Initial Decision at 3; see also Exhibit P-1. Petitioner emphasized that he cannot afford a separate residence and that he cannot move out as he has no income to support himself. Ibid. The ALJ found that the Agency never sent Petitioner a Notice of Required Verification (Form NJ SNAP-33) in an attempt to verify the household composition, but determined, based upon the call from M.P., that Petitioner could not apply for SNAP benefits as a separate household and thus that the benefits he had received from June, 2024 through March, 2025, must be repaid. See Initial Decision at 4-5; see also N.J.A.C. 10:87-2.27(c)(3). The ALJ, having considered the testimony of Petitioner, as well as documentary evidence such as his bank statements and medical records, found Petitioner credible that he is living within a separate bedroom, purchases and cooks his own food, is financially responsible for his own internet and phone, and handles his own household chores such as laundry. See Initial Decision at 6. The ALJ further noted that, following Petitioner's receipt of the notice of overpayment of SNAP benefits, the Agency took into consideration Petitioner's situation and determined to extend Petitioner's SNAP benefits from May 1, 2025 through September 30, 2025, during the pendency of the fair hearing. Ibid.

Based upon the testimonial and documentary evidence presented, the ALJ determined that, in accordance with applicable regulatory authority, Petitioner does maintain a separate household from M.P., for SNAP eligibility purposes, and therefore, M.P.'s income is not to be included when calculating Petitioner's household income for SNAP eligibility



purposes. See Initial Decision at 7; see also N.J.A.C. 10:87-2.2 and N.J.A.C. 10:87-2.3(a)(1)(iii). Based on an independent review of the record, I agree, and therefore remand this matter to the Agency and direct that the Agency recalculate Petitioner's eligibility for SNAP benefits in accordance with this decision to determine if any recoupment should be sought pursuant to N.J.A.C. 10:87-11.20 or if the IHE overissuance must be rescinded.

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, and the Agency's determination is hereby REVERSED and the matter is REMANDED to the Agency for further action, as outlined above.

Officially approved final version. August 07, 2025

Natasha Johnson
Assistant Commissioner

