



State of New Jersey

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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 **20784-25 J.B.**

AGENCY DKT. NO. **C161852003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency contends that Petitioner was unable to be located. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The hearing in this matter was initially scheduled for February 9, 2026, and was postponed until March 16, 2026. On March 16, 2026, the matter was adjourned. On March 25, 2026, the Honorable Kimberley M. Wilson, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 7, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on April 13, 2026.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination, based on the discussion below.

Here, the record reveals that the Agency became aware that Petitioner was utilizing his SNAP benefits out of state through purchases made in Pennsylvania between August, 2025 and October, 2025. See Initial Decision at 2; see also Exhibit R-1. Based upon such information, on October 1, 2025, the Agency sent Petitioner a Request for Contact at his address on file with the Agency. Ibid. Within the document that was mailed (the Request for Contact), the Agency requested proof of Petitioner's current address and a statement from Petitioner as to why he was exclusively utilizing his benefits out of state. Ibid. The mail sent to Petitioner was returned to the Agency marked with a post office sticker that states, "Return to Sender; [Petitioner's name] Temporarily Away; Return to Sender." Ibid. A review of the envelope in the record shows that the sticker affixed by the post office is obscuring the address to which the mail was sent. Ibid. On October 15, 2025, the Agency sent Petitioner a notification form terminating his SNAP benefits, effective November 1, 2025, indicating that his whereabouts were unknown. See Initial Decision at 3; see also Exhibit R-1. Petitioner testified that he received the notification on November 3, 2025. Ibid. Notably, the address on both the Request for Contact and the Agency's adverse action notice are identical. See Exhibit R-1 at 20, 21.

At the hearing, Petitioner testified that he never received the Request for Contact and that he had difficulties receiving his mail from the post office, claiming that from July, 2025 to November, 2025, the post office erroneously returned all of his mail to addressees, such that an investigation was undertaken by the United States Post Office. See Initial Decision at 2-3. Further, Petitioner testified at the hearing that he had been utilizing his SNAP benefits in Pennsylvania because he



was working for a food delivery service in Philadelphia and he had purchased his grocery items in the course of working, rather than shopping at a different time and location. See Initial Decision at 3.

The Agency representative at the hearing testified that no contact was made with Pennsylvania to determine if Petitioner was receiving duplicative benefits in that state. See Initial Decision at 3. The record further reflects the Agency made no attempt to locate Petitioner in any other way, such as by telephone.

Based on the foregoing, the ALJ found that the Agency had failed to prove, by a preponderance of the evidence, that Petitioner's SNAP benefits should be terminated, as it is plausible for a SNAP benefits recipient to use their benefits in a neighboring jurisdiction, and the fact that the recipient chooses to do so is not a reason to close the recipient's case on its own. See Initial Decision at 4-5; see also N.J.A.C. 10:87-3.3(b)(1). Furthermore, the Agency is required to verify the participant's residency and whether the participant was receiving benefits in another state. See Initial Decision at 5; see also N.J.A.C. 10:87-3.3(b)(2). The ALJ concluded that the Agency failed to determine if Petitioner was receiving benefits in Pennsylvania, nor had the Agency employed any alternate methods, such as contacting Petitioner by telephone, been utilized in this matter to verify Petitioner's residency. Ibid. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's SNAP benefits due to "unknown whereabouts" was not reasonably supported by a preponderance of the evidence and that Petitioner's SNAP benefits should not have been terminated on November 1, 2025. See Initial Decision at 5. Based on an independent review of the record, I agree.

By way of comment, I have reviewed the Agency's Exceptions in this matter and I find that the arguments made therein do not alter my decision.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED, as outlined above.

Officially approved final version. May 07, 2026

Natasha Johnson
Assistant Commissioner

