



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 15698-15 D.B.

AGENCY DKT. NO. C050272 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's action assessing her for an overissuance of Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. Petitioner allegedly received SNAP benefits to which she was not entitled and the Agency now seeks to recoup those benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 5, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On November, 24 2015, the ALJ issued an Initial Decision reversing the Agency's determination. The record shows that Petitioner did not include her husband in her household unit when she applied for SNAP benefits in 2013. See Initial Decision at 2. The Agency argued that Petitioner's husband must be included in the household calculation, which based on his income, would disqualify Petitioner from SNAP benefits. Ibid. In addition, the Agency asserts in its Adverse Action letter that Petitioner received multiple "thousand of dollar deposits (sic)" to her bank account on a monthly basis and failed to verify the source of the aforementioned funds. See Exhibit R-1 at 44. However, Petitioner testified her marriage is dissolving and her husband no longer lives with or supports the family financially. Ibid. Petitioner also testified that the mortgage on her home is currently in default and her car is in the process of being repossessed. See Initial Decision at 3. The ALJ found Petitioner's testimony credible, that she appeared unworldly, and felt she was unable to cope with her husband's desertion. Ibid. As such, the ALJ reversed the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Director of the 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 disagree with the ALJ's decision in this matter and I hereby REJECT the Initial Decision and AFFIRM the Agency determination.

The record in this matter contains multiple instances that clearly show Petitioner and her husband operated as a household during the period in question. Petitioner was first awarded SNAP benefits in February 2013. See Initial Decision at 2. In that same year, Petitioner filed a joint tax return with her husband claiming gross income of over \$98,000. See Exhibit R-1 at 21. In addition, an income verification request to Petitioner's husband's employer showed earned income of over \$159,000 for the period from March 2013, to December 2014. Id. at 32-39. During Petitioner's statement provided to the investigator, she stated her husband had been "recently laid-off" by his construction job and only occasionally visits her. Id at 6. Finally, Petitioner also admitted to the investigator she shares "joint bank accounts" with her husband. Ibid.

It is important to note that the action at issue is a recoupment of SNAP benefits conferred from February 2013 through February 2015. Id. at 46-47. Therefore, although Petitioner's situation has changed recently, her situation at the time the benefits were conferred indicates her husband was still a part of the household. Since her husband was part of the household for that period, his income level would have rendered the household ineligible for benefits. See N.J.A.C. 10:87-2.2(c)(3). Therefore, I find that Petitioner must repay the overissuance. See N.J.A.C. 10:87-11.20.

Accordingly, the Initial Decision in this matter is REJECTED, and the Agency's determination is hereby AFFIRMED.

Signed Copy on File
at DFD, BARA

DEC 18 2015

Natasha Johnson
Director