



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 13553-15 D.J.

AGENCY DKT. NO. C296713 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's correctness of a Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, recoupment due to an overissuance. The Agency asserts that Petitioner received SNAP benefits, to which he was not entitled, as the result of receiving benefits for a household of two, rather than for one. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 8, 2015, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents into evidence. The record remained open for additional documentation. A second hearing was held on October 15, 2015. The record was again left open until October 19, 2015, to allow Petitioner time to submit further documentation and the record closed.

On October 20, 2015, the ALJ issued her Initial Decision, affirming the Agency's determination. Based upon the evidence presented, the ALJ concluded that Petitioner did have a separate household, for SNAP eligibility purposes, from his son and therefore, should have comprised a household of one, rather than two. See Initial Decision at 3; see also N.J.A.C. 10:87-2.2 and N.J.A.C. 10:87-2.3(a)(1)(iii). Petitioner stated that he informed the Agency in 2012 that his son was no longer a part of the household unit. See Initial Decision at 2. However, in Petitioner's June 21, 2013, and May 6, 2015, recertification applications, his son was listed as still being a part of the household. *Ibid*; see also Exhibit R-3 and R-4. Therefore, I agree with the ALJ's conclusion that Petitioner was correctly determined to be ineligible for SNAP benefits on May 7, 2015, and in addition, was overissued benefits in the amount of \$1,254.00. See Initial Decision at 3.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the 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 decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

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

Signed Copy on File
at DFD, BARA

OCT 28 2015

Natasha Johnson
Director