



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 15810-14 P.L.

AGENCY DKT. NO. C014600 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner challenges Respondent Agency's correctness of her Supplemental Nutrition Assistance Program ("SNAP"), f/k/a The Food Stamp Program, benefits. Petitioner asserts that the Agency should include Petitioner's daughter in the household for calculation of SNAP benefits, despite the fact that Petitioner's daughter is enrolled as a full-time college student in Florida. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 22, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On February 18, 2015, the ALJ issued his Initial Decision affirming the Agency's determination.

No exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

The SNAP Program is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87-1.1(a). Pursuant to N.J.A.C. 10:87-3.3(a), for purposes of SNAP, "a person shall be considered a resident in the state in which he or she actually lives, without regard to legal residence or intent to remain permanently." Furthermore, pursuant to N.J.A.C. 10:87-3.14, a student in an institution of higher learning who is enrolled at least part-time must satisfy certain criteria in order to be eligible for SNAP benefits. In short, in order for a college

student to qualify for SNAP, the student must be employed, participating in job training, participating in a work study program, or caring for a dependent child. See N.J.A.C. 10:87-3.14(d).

The record in this matter reveals that Petitioner's daughter is a full-time student in Florida. See Initial Decision at 2. The ALJ concluded that, pursuant to N.J.A.C. 10:87-3.3(a), quoted above, Petitioner's daughter is not a resident of the household for SNAP purposes. Ibid. Moreover, the ALJ noted that Petitioner did not offer any information which would demonstrate that her daughter would satisfy any one of the above-mentioned criteria, as required for eligibility pursuant to N.J.A.C. 10:87-3.14(d). Ibid. As such, the ALJ concluded that the Agency should recalculate the household's benefits excluding the Petitioner's daughter. See *id.* at 3. I concur with this decision.

By way of comment, the transmittal in this matter indicates a contested issue pertaining to a denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits due to earned income. As no evidence was presented regarding this issue, and the ALJ makes no findings in reference to the denial, I also make no determination on same. If the denial remains a contested issue, Petitioner is without prejudice to request a fair hearing as to that issue alone.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter and AFFIRM the Agency determination.

Signed Copy on File
at DFD, BARA

FEB 25 2015

Jeanette Page-Hawkins
Director