



State of New Jersey

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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

REMAND DECISION

OAL DKT. NO. HPW 01621-18 D.E.

AGENCY DKT. NO. C136751015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits on recertification. The Agency denied Petitioner SNAP benefits, contending that Petitioner had a change in household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 20, 2018, the Honorable Susan L. Olgati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. The record was kept open until March 2, 2018, to allow the parties to produce additional documentation. On March 13, 2018, a status conference was held, and the record remained open until March 20, 2018, to allow Petitioner to provide further documentation. On March 22, 2018, Petitioner requested an extension of time, and on April 9, 2018, a second status conference was held and the record then closed. At the second status conference, certain issues were resolved, namely, the parties agreed to recognize Petitioner's full amount of shelter expenses, and to pro-rate and retroactively apply his SNAP benefits to November 27, 2017, the effective date of the SNAP denial. See Initial Decision at 2. Thereafter, the only remaining contested issues were the effective date of SNAP benefits, and the appropriate household composition.

On April 23, 2018, the ALJ issued an Initial Decision affirming the effective retroactive date of Petitioner's SNAP benefits, and reversing the Agency's decision to exclude Petitioner's son from the household. Here, as to the effective date of retroactive benefits, the ALJ agreed with the Agency, finding no basis for establishing a date for retroactive benefits prior to the November 27, 2017, effective date of the denial notice. See Initial Decision at 6; see also Exhibit R-6. I agree.

With regard to Petitioner's household composition, the Agency removed Petitioner's son from the household unit for SNAP calculation purposes, as it considered him a "boarder" pursuant to N.J.A.C. 10:87-2.3. See Initial Decision at 5. The ALJ disagreed, finding that Petitioner's son is dependent on Petitioner and is a part of the household, despite his attendance during the week at an out-of-state high school. See Initial Decision at 6-8; see also Exhibit R-4, and N.J.A.C. 10:87-2.2(a)(3), -2.2(c). Based on the foregoing, the ALJ reversed the Agency's determination as to the household composition, and



remanded the matter to the Agency to recalculate the household's eligibility for SNAP benefits. See Initial Decision at 2. I also agree.

No Exceptions to the Initial Decision were filed.

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 hereby ADOPT the ALJ's Initial Decision, REVERSE the Agency determination as to Petitioner's household composition, and REMAND the matter back to the Agency to recalculate Petitioner's eligibility for SNAP benefits.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, the Agency's determination is REVERSED, and the matter REMANDED to the Agency for appropriate action as discussed above.

Officially approved final version.

APR 3 2 2019

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Natasha Johnson  
Director

