



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Director
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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 16349-15 I.P.

AGENCY DKT. NO. C030256 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from Respondent Agency's action assessing her for an overpayment of Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. Petitioner 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 December 3, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On December 8 2015, the ALJ issued an Initial Decision affirming the Agency's determination. The record shows that Petitioner and her household moved to a new home, specifically a two-family unit, purchased with the help of Petitioner's father. See Initial Decision at 2. Petitioner's sister and her family lived in the other unit and paid Petitioner half of the monthly mortgage payment. *Ibid.* Although there was no formal lease in place, Petitioner filed a residency affidavit stating her sister and her husband were currently under lease on the premises. *Id.* at 3; see also Exhibit R-1 at 27. The ALJ found that, because Petitioner is the sole owner of the property, the payment received from her sister is rental income and subject to calculation for the gross income test. See N.J.A.C. 10:87-6.16. Therefore, based on that calculation, the ALJ concluded that Petitioner failed to meet the gross income test and was consequently overissued SNAP benefits which are now subject to recoupment. See N.J.A.C. 10:87-11.20.

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 concur with the ALJ's decision in this matter and I hereby accept and adopt the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

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

DEC 23 2019

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director