



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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 3275-15 K.B.

AGENCY DKT. NO. C081346 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency denied Petitioner's application for benefits as it was unable to determine household income and it contended that Petitioner did not maintain a separate household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 10, 2015, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. The record remained open until April 17, 2015, to give Petitioner the opportunity to submit additional documentation.

On April 30, 2015, the ALJ issued his Initial Decision, affirming the Agency's determination. See Initial Decision at 5. Petitioner testified that P.R., the father of Petitioner's youngest child, does not live with her and he has not been to the house since the summer of 2014. See Initial Decision at 3. However, the ALJ concluded that Petitioner's testimony was not credible. See Initial Decision at 4. Based upon testimonial and documentary evidence offered by Petitioner and the Agency, as well as an investigation done by the Agency (see Exhibit R-1), the ALJ concluded that Petitioner is in a romantic relationship with P.R.; that Petitioner and P.R. are together on a regular basis; that P.R.'s last known address is Petitioner's residence; and that Petitioner did not provide adequate information to the contrary. See Initial Decision at 4-5; see also Exhibit R-2.

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Therefore, the ALJ concluded that the totality of the evidence presented supported the Agency's determination that Petitioner and P.R. maintain one household. See Initial Decision at 2-5; see also N.J.A.C. 10:90-2.7(b) and N.J.A.C. 10:87-2.2(c).

Exceptions to the Initial Decision were filed by Petitioner on May 12, 2015.

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 adopt the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

By way of comment, I note that the Exceptions contain facts and documentation that were not presented to the ALJ in this matter, which I am not permitted to consider in rendering a final decision in this matter. See N.J.A.C. 1:1-18.4(c). However, I have reviewed the Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, the transmittal in this matter indicates that Petitioner also requested a fair hearing contesting the termination of Medicaid benefits. It should be noted, however, that the Medicaid program is not under the jurisdiction of this Division. However, a copy of the Initial and Final Decisions will be forwarded to the Division of Medical Assistance and Health Services ("DMAHS") for review and resolution.

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

Signed Copy on File

at DFD, BARA

Natasha Johnson
Director

MAY 13 2015