



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 06029-18 B.T.

AGENCY DKT. NO. C497767007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner challenges the correctness of Respondent Agency's reduction of his Supplemental Nutrition Assistance Program ("SNAP") benefits on recertification. Petitioner's SNAP benefits were reduced due to an increase in unearned income, as well as the lack of a utility allowance in the benefits calculation in accordance with applicable law. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 14, 2018, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On May 21, 2018, the ALJ issued an Initial Decision affirming the Agency's calculation of Petitioner's benefits. The ALJ noted that Petitioner's benefits were calculated based upon the information that Petitioner had provided for his recertification of SNAP benefits. See Initial Decision at 2. The record reflects that Petitioner receives Supplemental Security Income ("SSI") benefits, as well as Retirement, Survivors and Disability Insurance ("RSDI") benefits, that Petitioner resides in subsidized housing, and that his utilities are included in his monthly rental payment. *Ibid.*; see also Exhibit R-1. It should be noted that, as a result of the Agricultural Reform Act of 2014, the utility allowance was eliminated for households based solely on low income. See Division of Family Development Instruction ("DFDI") 14-07-04 (outlining the new eligibility requirements, as a result of the Agricultural Reform Act of 2014, for receipt of the Heating and Cooling Standard Utility Allowance ("HCSUA"), the Limited Utility Allowance ("LUA") or Uniform Telephone Allowance ("UTA")). Rather, only those individuals who pay for some portion of their utilities are now entitled to a utility allowance. *Ibid.* As Petitioner's utilities are included in his rental payment, Petitioner no longer qualifies for a utility allowance and this, coupled with Petitioner receipt of unearned income in the form of SSI and RSDI benefits, resulted in the reduction of Petitioner's monthly SNAP benefit amount. *Ibid.*; see also Exhibit R-1. Based on the record presented, the ALJ concluded that the Agency's calculation of Petitioner's SNAP benefit amount was correct, and affirmed the Agency's reduction of said benefits. See Initial Decision at 2-3; see also Exhibits R-1, R-2 and N.J.A.C. 10:87-6.16. I agree.



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 final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Officially approved final version.

MAY 29 2018

Natasha Johnson

Director

