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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 13124-18 C.R.

AGENCY DKT. NO. C126277001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner challenges the calculation of the total amount of restored Supplemental Nutrition Assistance Program ("SNAP") benefits issued to her. Petitioner contends that she should receive retroactive restored benefits for more than 12 months, back to the date the Agency first erred. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 30, 2018, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 5, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on January 25, 2017, Petitioner, a SNAP benefits recipient, provided the Agency with verification that she had moved to a different address, and that her rental expense had increased from \$500 to \$1000. See Initial Decision at 2; see also Exhibits P-1, R-1 at 16. However, the Agency did not calculate Petitioner's SNAP benefits using the new information provided by the Petitioner. See Initial Decision at 2. On July 24, 2017, Petitioner filed an Interim Reporting Form ("IRF"), and again reported, as she had on January 25, 2017, that her monthly shelter expenses had increased from \$500 to \$1,000. *Ibid.*; see also Exhibits P-1, R-1 at 36-38. Again, the Agency did not recalculate Petitioner's SNAP benefits, based upon the increase in monthly shelter expenses, as reported in Petitioner's IRF. See Initial Decision at 2. On August 29, 2018, Petitioner filed an application for recertification of SNAP benefits, and reported that her monthly rent was \$1,000 and that her utility costs were separate from her rent. *Ibid.*, see also Exhibit R-1 at 43-44. The Agency then advised Petitioner that it had approved her application for SNAP benefits, on recertification, and that based upon her monthly rental expenses, her monthly SNAP benefit allotment would increase from \$15 to \$157, effective October 1, 2018. See Initial Decision at 4; see also Exhibit R-1 at 1-2, 3, 6, and 7.

Additionally, at the time of Petitioner's recertification in August 2018, the Agency recognized that an error had occurred, and after deducting what Petitioner had received, from what she should have received, the Agency determined that Petitioner was entitled to restored benefits in the amount of \$1,748. See Initial Decision at 3; see also Exhibit R-1 at 8, 16. This amount covered the 12-month period beginning September 2017, through August 2018, which was the 12-month period prior to the date the Agency



initially received notification of the possible loss of benefits. See Initial Decision at 3; see also Exhibit R-1 at 16, 39. Petitioner contends that her restored benefits should date back to January 25, 2017, the date she initially provided her updated shelter expense information, and is the date when the Agency first erred in failing to use the increased rental amount of \$1,000 per month in her SNAP benefit allotment calculation. See Initial Decision at 4.

The ALJ in this matter found that the Agency first received notice of a possible loss of SNAP benefits at the time of Petitioner's recertification application in August 2018. *Id.* at 5. The ALJ further found that there are no exceptions, or applicable regulatory authority, which would permit the Agency to provide more than 12 prior months of restored benefits, and that restored benefits may only be provided for a 12-month period prior to the Agency's initial notification of a possible loss of benefits, or when it has discovered that an error had been made. *Id.* at 7-8; see also N.J.A.C. 10:87:11.12(a) (1), (2), (c). Based on the foregoing, the ALJ affirmed the Agency's action, finding that it properly determined, and calculated, the period of restored SNAP benefits as September 2017, through August 2018, which was the 12 months prior to the date the Agency had received notification of the possible loss of Petitioner's SNAP benefits. See Initial Decision 8; see also Exhibit R-1 at 8, and N.J.A.C. 10:87-11.12(a)(1), (2), (c). Accordingly, the ALJ concluded that Petitioner is not entitled to restored benefits retroactive to January 25, 2017, the date of the Agency's first error. See Initial Decision at 8; see also Exhibits P-1, R-1 at 16, and N.J.A.C. 10:87-11.12, -11.13. I agree.

No Exceptions to the Initial Decision were filed by either party.

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 decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

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

Officially approved final version.

DEC 27 2010

Natasha Johnson
Director

