



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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 04800-18 M.M.

AGENCY DKT. NO. C057586002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of Respondent Agency's reduction of her Supplemental Nutrition Assistance Program ("SNAP") benefits on recertification. Petitioner's SNAP benefits were reduced due to 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 April 26, 2018, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On April 30, 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 her recertification of SNAP benefits. See Initial Decision at 2. The record reflects that Petitioner is a Supplemental Securities Income benefits recipient, that Petitioner resides in subsidized housing, and that her utilities are included in her monthly rental payment. *Ibid.*; see also Exhibits R-3, R-4. The Agency advised that, as a result of the Agricultural Reform Act of 2014, the utility allowance was eliminated for households based solely on low income. See Initial Decision at 3. Rather, only those individuals who paid for some portion of their utilities would be entitled to a utility allowance. *Ibid.*; see also 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")). As Petitioner's utilities are included in her rental payment, Petitioner no longer qualified for a utility allowance and, therefore, resulted in a reduction of Petitioner's monthly SNAP benefit amount. *Ibid.* Based on the foregoing, the ALJ concluded that the Agency's calculation of Petitioner's SNAP benefit amount on recertification was correct, and affirmed the Agency's determination. See Initial Decision at 3; see also Exhibit 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.

Natasha Johnson
Director

MAY 10 2018

