



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 05900-19 K.T.

AGENCY DKT. NO. C382477007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner challenges whether he is entitled to receive an energy/utility check from the Respondent Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 20, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 19, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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 hereby ADOPT the Initial Decision and AFFIRM the Agency's determination.

Here, the ALJ found that Petitioner had already had a fair hearing on the same issue as the present case, under OAL Docket No. HPW 03716-19, with an Initial Decision rendered on April 3, 2019, in favor of the Agency. See Initial Decision at 1-3; see also Exhibit R-1. The record also reflects that a Final Agency Decision in that matter was issued on April 23, 2019, adopting the April 3, 2019, Initial Decision, and affirming the Agency's determination that Petitioner is not entitled to a \$514 energy/utility check from the Agency. See Initial Decision at 1-2; see also Exhibit R-2, and N.J.A.C. 10:87-12.1(c). In the current matter, Petitioner again seeks a utility payment, on what the ALJ determined to be the exact same set of facts and circumstances as in Petitioner's prior case. See Initial Decision 2; see also Exhibits R-1 through R-4. Based on the foregoing, the ALJ found that the issue had previously been litigated, that there were no new facts or issues to consider, and as such, there was "no reason to disturb or change the prior determination." See Initial Decision at 3. Accordingly, the ALJ affirmed the Agency's determination that Petitioner is not entitled to a utility check from the Agency. *Ibid.* I agree.

By way of comment, based on an independent review of the record, I find that since January 1, 2019, Petitioner has been receiving \$118 in monthly SNAP benefits, and not \$15 as stated by the ALJ in this matter. See Initial Decision at 1; see also Exhibits R-3, R-4 at 1.

By way of further comment, Petitioner is advised that he is not entitled to more than one fair hearing on the same issue. Rather, if he disagrees with the Final Agency Decision of this Division, the appeal of such must be made to the Superior Court of New Jersey, Appellate Division.

Also by way of comment, in accordance with applicable regulatory authority, in a case involving SNAP benefits, a fair hearing, Initial Decision, and Final Decision are all to be completed within 60 days from the receipt of an individual's



request for a fair hearing. See 7 C.F.R. § 273.15(c)(1). With this time frame in mind, it should also be noted that Initial Decisions in SNAP cases are to be issued within 14 days from the date of the hearing before the ALJ. See N.J.A.C. 1:10-18.1(b).

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

Officially approved final version. **JUL 30 2019**

Natasha Johnson

Director

