



State of New Jersey

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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 04444-18 G.J.

AGENCY DKT. NO. C117716007 (ESSEX COUNTY DIVISION OF WELFARE)

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 16, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On May 4, 2018, the ALJ issued an Initial Decision affirming the Agency's calculation of Petitioner's benefits.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the Initial Decision and having made an independent review of the record in this matter, I hereby ADOPT the Initial Decision and AFFIRM the Agency's determination.

As a result of the Agricultural Reform Act of 2014, the utility allowance was eliminated for households based solely on low income. Rather, only those individuals who actually pay for some portion of their utilities would be entitled to a utility allowance. 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")).

Here, the record reflects 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; see also Exhibits R-1, R-3 and R-7. The record further reflects that Petitioner is a Supplemental Securities Income benefits recipient, and that, at the time of her recertification, it was determined that Petitioner does not pay separate utilities, but rather, that utilities are included in her monthly rental payment. See Initial Decision at 2; see also Exhibit R-1 and R-7. As such, Petitioner did not qualify for a utility allowance, which therefore resulted in a reduction of Petitioner's monthly SNAP benefit amount from \$192 to \$56. See Initial Decision at 2-3; see also Exhibits R-2, R-5 and DFDI 14-07-04. Based on



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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 N.J.A.C. 10:87-6.16, -12.1. I agree.

By way of comment, I find that the record supports that the issue of "food sharing," as discussed in the Initial Decision, was not a factor in the calculation, and resultant reduction, of the \$56 monthly SNAP amount benefits amount. See Exhibit R-5.

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

Officially approved final version.



Natasha Johnson
Director

