



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 07450-18 O.H.

AGENCY DKT. NO. S434643002 (BERGEN COUNTY BD. OF SOC. SVCS.)

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 the lack of a full 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 June 14, 2018, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On June 15, 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 Retirement, Survivors and Disability Insurance benefits, that Petitioner recently moved into subsidized housing where his utilities are included in his monthly rental payment. *Ibid.*; see also Exhibit R-3. It should be noted that, as a result of the Agricultural Reform Act of 2014, the full 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 paid for some portion of their utilities would be entitled to a utility allowance. *Ibid.* As Petitioner's utilities are included in his rental payment, Petitioner no longer qualified for the full utility allowance, the HCSUA, but only for a small allowance of \$29 for his telephone, the UTA allowance. *Ibid.*; see also Initial Decision at 2 and Exhibit R-2. It was the lack of the full utility allowance, the HCSUA, which resulted in the marked reduction of Petitioner's monthly SNAP benefit amount. See Initial Decision at 2; see also Exhibit R-2. 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.

JUN 26 2018

Natasha Johnson

Director

