



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 14202-19 C.H.

AGENCY DKT. NO. C077962003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner challenges the correctness of the Respondent Agency's reduction of his Supplemental Nutrition Assistance Program ("SNAP") benefit amount, on recertification. Petitioner's SNAP benefits were reduced, at recertification, due to a decrease of total shelter expenses in the benefits calculation, which resulted in a lower monthly SNAP benefit allotment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 6, 2019, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On November 19, 2019, the ALJ issued an Initial Decision, affirming the Agency's calculation of Petitioner's SNAP benefits. Here, the record reflects that on August 30, 2017, Petitioner reported in his recertification application for SNAP benefits that he paid his mother \$625 per month in rent, and did not make any utility payments separate from his rent. See Initial Decision at 3; see also Exhibit R-12 at 5. Thereafter, based upon the information provided in his August, 2017, recertification application, Petitioner received \$192 per month in SNAP benefits, effective October 1, 2017. See Exhibit R-7 at 2. On August 31, 2019, Petitioner filed a recertification application for continued SNAP benefits. See Initial Decision at 3; see also Exhibit R-1. Petitioner again reported that he pays \$625 per month in rent, and that he did not pay anything toward the utility bills. See Initial Decision at 3; see also Exhibit R-1 at 5. On August 30, 2019, the Agency requested that Petitioner complete a Living Arrangement Affidavit, as well as a utility bill in his mother's name and address. See Initial Decision at 3; see also Exhibit R-3. On September 16, 2019, the Agency received a note from Petitioner's mother, stating that Petitioner did reside with her, and that he paid \$450 per month in rent. See Initial Decision at 4; see also Exhibit R-4. On that same date, Petitioner provided to the Agency a copy of a utility bill in his mother's name, which also listed the service address being the same as Petitioner's address. See Initial Decision at 4; see also Exhibit R-5. Based upon the information reported in Petitioner's August, 2019, recertification application, the note from Petitioner's mother, and the utility bill, the Agency recalculated Petitioner's monthly SNAP benefits to be \$16. See Initial Decision at 4; see also Exhibit R-8, and N.J.A.C. 10:87-6.16. Petitioner's SNAP benefits were reduced due to Petitioner not paying any utility bills, thereby making him ineligible for a utility allowance, as well as his decreased monthly rent from



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\$625 per month, to \$450 per month. See Initial Decision at 4; see also Exhibit R-9, and N.J.A.C. 10:87-6.16(b)(8), -9.1, -12.1(b).

Petitioner contends that he contributes financially towards the maintenance of the household, which also includes additional payments towards the utility bills, and that the Agency had requested that he specifically provide a "utility bill in [his] mother's name and address." See Initial Decision at 4; see also Exhibit R-3. The ALJ found that Petitioner did not contribute to towards the utility bills separate from his rent, and that his August, 2019, recertification application does not indicate that he makes any additional contributions towards utilities, beyond the \$450 he pays in monthly rent. See Initial Decision at 5, 6; see also Exhibit R-1 at 5. The ALJ further found that Petitioner was unable to provide proof that he made those additional financial contributions, and that there is no documentation provided to the Agency to allow it to consider and verify these additional contributions. See Initial Decision at 7; see also N.J.A.C. 10:87-2.19. Accordingly, the ALJ concluded that the Agency's calculation of Petitioner's SNAP benefit amount was correct due to the decrease in total shelter expenses, and affirmed the Agency's reduction of Petitioner's monthly SNAP benefit amount, effective October 1, 2019. See Initial Decision at 7-8; see also Exhibit R-9, and N.J.A.C. 10:87-6.10, -6.16. I agree.

As the Director of DFD, 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.

By way of comment, should Petitioner obtain proof that his additional financial contributions to the household expenses are used to pay utility bills, he is without prejudice to provide them to the Agency for consideration and possible recalculation for an increase, prospectively, of Petitioner's monthly SNAP benefit allotment. See N.J.A.C. 10:87-9.5(c)(3)(I).

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

Officially approved final version.

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Natasha Johnson

Assistant Commissioner

