



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 11894-18 C.M.

AGENCY DKT. NO. C114859013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner challenges the correctness of Respondent Agency's calculation of her Supplemental Nutrition Assistance Program ("SNAP") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 10, 2018, and Petitioner requested to participate in the hearing by telephone due to mobility issues. Petitioner's request was granted, and the matter proceeded as a telephone conference. During the October 10, 2018, telephone conference, Petitioner stated that she did not have enough information from the Respondent Agency to adequately represent her interests. As a result, the telephone conference was adjourned, and the parties agreed to a new telephonic hearing, to take place on November 8, 2018. On October 19, 2018, Petitioner stated that she still had not received the information she had requested from the Agency, and requested that the November 8, 2018, telephone conference be adjourned. Petitioner's request to adjourn the November 8, 2018, was denied. On November 8, 2018, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The parties were given additional time for post-hearing submissions, and the record then closed. Thereafter, on January 30, 2019, the record was reopened to address an issue of Petitioner's access to materials, and a second hearing date was held. After that hearing, the record was left open to allow the parties to submit additional information, and on May 3, 2019, the record closed.

On May 15, 2019, the ALJ issued an Initial Decision, affirming the Agency's calculation of Petitioner's SNAP benefits. Here, the record reflects that the Agency approved Petitioner's expedited application for SNAP benefits, effective March 23, 2018. See Initial Decision at 1; see also Exhibit R-2, and N.J.A.C. 10:87-2.28(a). On March 26, 2018, the Agency notified Petitioner that, effective April 1, 2018, she would receive \$92 per month in SNAP benefits. See Exhibit R-4. Petitioner's monthly SNAP benefits were calculated using her monthly income consisting of Retirement, Survivors, and Disability Insurance ("RSDI") benefits totaling \$1,309, and a shelter deduction of \$879. See Exhibit R-8; see also N.J.A.C. 10:87-6.16(b). In addition, Petitioner received the Heating or Cooling Standard Utility Allowance ("HCSUA") of \$514. See Exhibit R-8; see also N.J.A.C. 10:87-12.1(c)(1). Effective October 1, 2018, the HCSUA was increased to \$542, resulting in Petitioner's monthly SNAP benefits being



increased to \$103. See Initial Decision at 7; see also Exhibits R-10, R-11, and Division of Family Development (“DFD”) Instruction Number 18-09-01. The ALJ found that Petitioner did not provide any evidence to rebut the Agency’s calculation of her SNAP benefit allotment, and the record reflects that she was given every opportunity to do so. See Initial Decision at 4-10. Based upon the record presented, the ALJ concluded that the Agency’s SNAP benefits calculations were correct. Id. at 13-14; see also Exhibits R-9, R-11, and N.J.A.C. 10:87-6.16. I agree.

No Exceptions to the Initial Decision were filed.

As the Director of the 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 Findings of Fact and Conclusions of Law in this matter.

By way of comment, the record in this matter further indicates that Petitioner seeks retroactive SNAP benefits dating back to 2012. See Initial Decision at 3. However, in accordance with applicable regulatory authority, “a household may request a hearing on any action by the [Agency] or loss of benefits which occurred in the prior 90 days.” See N.J.A.C. 10:87-8.5. Accordingly, I find that Petitioner cannot now dispute the loss of alleged SNAP benefits from 2012. Moreover, it also appears from the record that Petitioner has not accessed or used the SNAP benefits issued to her during various periods between April 2014, and December 2018. See Exhibit C-9 at 49-50.

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

Officially approved final version. JUL 10 2019

Natasha Johnson
Director

