



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 00907-19 M.P.

AGENCY DKT. NO. C044341002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's reduction of her Supplemental Nutrition Assistance Program ("SNAP") benefit amount 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 February 5, 2019, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On February 7, 2019, the ALJ issued an Initial Decision, affirming the Agency's calculation of Petitioner's SNAP benefits. Here, the record reflects that Petitioner's SNAP benefits were reduced, on recertification, from \$170 to \$57 per month, effective December 1, 2018. See Initial Decision at 2; see also Exhibits R-2, R-4. Prior to Petitioner's December 1, 2018, recertification, her SNAP benefit amount had been calculated based upon her qualifying for, and receiving, the Heating and Cooling Standard Utility Allowance ("HCSUA"). See Initial Decision at 2; see also Exhibit R-5.

It should be noted that, as a result of the Agricultural Reform Act of 2014, the 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 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.

The ALJ in this matter found that, as Petitioner's utilities are included in her monthly rent, and she pays no separate charge for heating or cooling, Petitioner no longer qualifies for full utility allowance, the HCSUA, but only for a small allowance of \$29 for her telephone, the UTA allowance. Ibid.; see also Exhibits R-1, R-2. The lack of the full utility allowance, the HCSUA, in the SNAP benefits calculation resulted in the marked reduction of Petitioner's monthly SNAP benefit amount at the time of her recertification on December 1, 2018. See Initial Decision at 2; see also Exhibits R-2, R-4, R-7, R-8. Additionally, as a result of an increase in Petitioner's Supplemental Security Income ("SSI") benefits



on January 1, 2019, Petitioner's SNAP benefit amount was further decreased from \$57 to \$47. See Initial Decision at 2; see also Exhibits R-2, R-5. Based on the foregoing, the ALJ concluded that the Agency's calculation of Petitioner's SNAP benefit amount was correct, and affirmed the Agency's determination. See Initial Decision at 3; see also Exhibit R-1, 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.

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

Officially approved final version.

FEB 15 2019

Natasha Johnson

Director

