



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 18097-18 R.C.

AGENCY DKT. NO. C063272001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner challenges the correctness of Respondent Agency's reduction of his Supplemental Nutrition Assistance Program ("SNAP") benefits. Petitioner's SNAP benefits were reduced due to an increase in household unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 18, 2019, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On that same date, Petitioner requested additional time to review the Agency's calculations and file a written submission. On January 28, 2019, the ALJ held a telephone status conference and set a deadline of February 28, 2019, for the parties to file written submissions. On March 11, 2019, Petitioner requested, and the ALJ granted, additional time to March 25, 2019, to submit documentation. On March 29, 2019, Petitioner requested a further extension to April 1, 2019, which was also granted. On April 1, 2019, the ALJ received Petitioner's written submission, and the record then closed on April 2, 2019.

On April 16, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner's SNAP household consists of Petitioner, his spouse, and two minor children. See Initial Decision at 2; see also Exhibit R-1 at 1. On October 25, 2018, Petitioner notified the Agency that his minor child was approved for monthly Supplemental Security Income ("SSI") benefits. See Initial Decision at 2; see also Exhibit R-2 at 4. On November 2, 2018, the Agency notified Petitioner that beginning December 1, 2018, his SNAP benefits would be reduced to \$229 due to an increase in the household's unearned income. See Initial Decision at 2; see also Exhibit R-1 at 16-20.

The record further reflects that Petitioner's household monthly income consisted of \$1,062 in SSI benefits (\$531 for Petitioner, and \$531 for Petitioner's minor child), and \$1,997 in earned income, attributed to Petitioner's spouse's employment. Ibid. After the Agency applied the appropriate shelter deductions and utility allowances, Petitioner's monthly SNAP net income was calculated at \$1,376. See Initial Decision at 2-3; see also Exhibit R-2 at 16-20, and N.J.A.C. 10:87-5.10(a), -6.16. Based on that amount, the Agency calculated Petitioner's monthly SNAP benefit allotment to be \$229 per month. See Initial Decision at 3; see also Exhibit R-2 at 16, and N.J.A.C. 10:87-12.6(a). While Petitioner does



not dispute the formula used by the Agency in calculating his monthly SNAP benefit amount, he does contend that the Agency should have credited him for additional costs related to medical expenses, increased shelter expenses, transportation, and a reduction in unearned income as a result of an overpayment being repaid. See Initial Decision at 3; see also N.J.A.C. 10:87-5.10(a). Petitioner further contends that, had the Agency considered the additional credits, his monthly SNAP benefit would be \$539. See Initial Decision at 3. The ALJ found that Petitioner is not entitled to the purported additional deductions because he did not provide appropriate verification and documentation of those expenses. Id. at 3-4. The ALJ further found that Petitioner must provide verification of the expenses to the Agency for review and approval. Id. at 4.

Based upon the documentary evidence, the ALJ concluded that the Agency had followed the required regulatory procedures in calculating Petitioner's monthly SNAP benefit amount, and that the reduction of Petitioner's SNAP benefits was therefore appropriate. Id. at 4-5; see also Exhibit R-2 at 16-20, and N.J.A.C. 10:87-5.4, -5.5, -6.16. I agree.

No Exceptions to the Initial Decision were filed by either party.

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 decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

By way of comment, Petitioner is advised that, pursuant to applicable regulatory authority, a SNAP household may receive only one, not several or a combination, of the following utility allowances: the Heating or Cooling Standard Utility Allowance ("HCSUA"), the Limited Utility Allowance ("LUA"), or the Uniform Telephone Allowance ("UTA"). See N.J.A.C. 10:87-5.10(a)(6)(iv).

By way of further comment, only one adjournment, not to exceed 30 days, is permitted in SNAP cases. See N.J.A.C. 10:87-8.6(a)(4)(i) and 7 C.F.R. 273.15(c)(4).

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

Officially approved final version.

Natasha Johnson
Director

APR 26 2019

