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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 12741-19 C.J.

AGENCY DKT. NO. C453877007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner challenges the Respondent Agency's calculation of his Supplemental Nutrition Assistance Program ("SNAP") benefits amount. Petitioner contends that the Agency, during its determination of his eligibility for SNAP benefits, should have considered whether he is entitled to retroactive consideration of an excess shelter deduction, and a deduction for the costs of utilities, which would have resulted in an increased monthly SNAP allotment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 30, 2019, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On October 4, 2019, the ALJ issued an Initial Decision, affirming the Agency's calculation of Petitioner's monthly SNAP benefit amount, and the Agency's determination that Petitioner is not entitled to retroactive consideration of an excess shelter or utility cost deduction. Here, the record reflects that, through August 1, 2019, Petitioner's SNAP household received \$15 per month in SNAP benefits, and included only himself. See Initial Decision at 2; see also Exhibit R-2. On August 16, 2019, Petitioner met with the Agency in order to add his four children to his SNAP household, after their mother passed away. See Initial Decision at 3. On that same date, the Agency requested that Petitioner provide a letter of residency regarding transitioning a rental lease into his name. *Ibid.*; see also Exhibit P-1. On August 22, 2019, Petitioner provided the Agency with a medical form, an Internal Revenue Service ("IRS") 1040 tax form, and one and one-half years of bank statements. See Initial Decision at 3; see also Exhibit P-3. The information requested by the Agency was not included among the documents Petitioner provided to the Agency, and it appears that said documents were dropped off on the floor accommodating Medicaid matters. *Ibid.* On that same date, Petitioner's housing manager confirmed, via letter, that Petitioner is "currently undergoing a rental leasing process," for the deceased mother's home. See Initial Decision at 3; see also Exhibit P-2. Based upon the information received, and applying the appropriate deductions, the Agency determined that, effective September 1, 2019, Petitioner's household of five persons was entitled to \$322 per month in SNAP benefits. See Initial Decision at 2 - 4; see also Exhibits R-1, R-2, and N.J.A.C. 10:87-6.16(b).



The Agency did not include in its calculation of Petitioner's monthly SNAP benefit allotment, a deduction for utility expenses, or a deduction for excess shelter costs. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:87-6.16(b)(8), (9). Additionally, the Agency never requested a signed lease from Petitioner. See Initial Decision at 5. Petitioner further acknowledges that the utility bill cannot be transferred to his name until he has a signed lease. Ibid. Therefore, Petitioner argues that when he obtains a signed lease, and presents the Agency with a utility bill in his name, he is entitled to retroactive deductions for excess shelter costs, and utility expenses, which would conceivably result in an increase of monthly SNAP benefits. Ibid.

The ALJ found that the August 22, 2019, letter from the housing manager was insufficient to establish the amount of Petitioner's shelter costs, and that while a signed lease was not requested, verification of the amount of rent paid, or to be paid, was necessary to establish shelter costs. Ibid.; see also Exhibit P-2, and N.J.A.C. 10:87-6.16(b)(8). The ALJ further found that when calculating utility and shelter expenses, the amount of these expenses must be identified and verified, and that any change in SNAP benefits based upon changes in shelter or utility costs apply prospectively. See Initial Decision at 5; see also N.J.A.C. 10:87-2.19, -9.5(3). Based on the record presented, the ALJ affirmed the Agency's calculation of Petitioner's monthly SNAP benefit, and concluded that Petitioner has not demonstrated that he is entitled to retroactive SNAP benefits upon presenting verification of excess shelter and utility costs. See Initial Decision at 5-6; see also Exhibit R-1, and N.J.A.C. 10:87-6.16. I agree.

No Exceptions to the Initial Decision were filed.

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 hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is without prejudice to produce a copy of a signed lease, and proof of paid utilities, once the transfer of service has occurred, at which time his monthly SNAP benefit amount may be recalculated, prospectively.

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

Officially approved final version.

NOV - 7 2019

Natasha Johnson
Assistant Commissioner

