



State of New Jersey

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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 01357-19 D.M.

AGENCY DKT. NO. C479282007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner challenges the correctness of the Respondent Agency's calculation of his Supplemental Nutrition Assistance Program ("SNAP") benefit amount. The Agency calculated Petitioner's SNAP benefits without a utility allowance, in accordance with applicable law. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 13, 2019, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On March 4, 2019, the ALJ issued an Initial Decision, affirming the Agency's calculation of Petitioner's benefits. Here, the record reflects that Petitioner had been receiving \$15 per month in SNAP benefits, beginning April 1, 2018. See Exhibit R-1. Petitioner's SNAP benefit amount had been calculated based upon his household monthly income of Retirement, Survivors, and Disability Insurance ("RSDI") benefits totaling \$1,164. See Initial Decision at 2; see also Exhibit R-3 at 1, 2, and P-5 at 4-7. Petitioner's deductions, including the standard and excess medical deductions, used in calculating his SNAP benefit amount, totaled \$176. See Initial Decision at 3; see also Exhibit R-3 at 1; and N.J.A.C. 10:87-5.10(a)(3), -6.16(b)(4), (5), -12.1(a). The ALJ found that Petitioner does not pay separately for his utilities, as they are included in his rent, and his landlord does not report the expense of two air conditioners, as separate and excess cooling costs, which would allow for the Heating or Cooling Standard Utility Allowance ("HCSUA"). See Initial Decision at 4; see also N.J.A.C. 10:87-5.10(a)(6)(iv)(1).

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 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.

Based upon the record presented, the ALJ concluded that the Agency's calculation of Petitioner's SNAP benefits was correct, and that Petitioner was therefore entitled to \$15 a month in SNAP benefits. See Initial Decision at 4; see also Exhibit P-9 at 1-3, and N.J.A.C. 10:87-6.16. I agree.



The ALJ also found that Petitioner presented numerous documents as medical expenses, and that it was unclear from the record, as to whether the Agency had considered them. See Initial Decision at 3. Therefore, the ALJ ordered that the Agency review Petitioner's documents presented at the hearing, and to determine whether the documents contained any recognized expenses that would result in an increase of Petitioner's excess medical deduction. Ibid.; see also N.J.A.C. 10:87-5.10(a)(3). I also agree.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, 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.

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

Officially approved final version.

Natasha Johnson
Director

MAR 18 2019

