



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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 03716-19 K.T.

AGENCY DKT. NO. C382477007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner challenges whether he is entitled to receive an energy/utility check from the Respondent Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 3, 2019, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On that same date, the ALJ issued an Initial Decision. The record reflects that Petitioner is a Supplemental Nutrition Assistance Program ("SNAP") benefits recipient. See Initial Decision at 2; see also Exhibit R-1 at 18. The record further reflects that Petitioner qualified for the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$514, and therefore, in the time period from at least January 2018, through September 2018, Petitioner's monthly SNAP benefit amount was calculated using the HCSUA of \$514. See Exhibit R-1 at 24; see also N.J.A.C. 10:87-12.1(c) and Division of Family Development Instruction ("DFDI") 17-09-02. It should be noted that in October 2018, the HCSUA was increased to \$542, and the record shows that Petitioner's current SNAP benefits are calculated using that amount. See Exhibit R-1 at 15-18, 23; see also DFDI 18-09-01. In December 2018, Petitioner received a check in the amount of \$213 from Home Energy Assistance Program ("HEA"), to assist with his heating costs. See Initial Decision at 2. Petitioner alleges that he is also entitled to a \$514 energy/utility check from the Agency. See Initial Decision at 2; see also Exhibit R-1 at 20-22.

The ALJ found that Petitioner is not entitled to receive an energy/utility check from the Agency; rather, he is only entitled to receive a utility allowance, specifically, the HCSUA, which is used by the Agency in calculating Petitioner's monthly SNAP benefit amount. *Ibid.*; see also Exhibit R-1 at 15-17, 23-24, and N.J.A.C. 10:87-12.1(c). Based on the foregoing, the ALJ concluded that Petitioner is not entitled to a check in the amount of \$514 for energy or utilities from the Agency, and accordingly, denied Petitioner's claim. See Initial Decision at 2. I agree. Moreover, as reflected in the documentation submitted into evidence by the Agency, had Petitioner's SNAP benefits been calculated without the benefit of the HCSUA every month, Petitioner would only be entitled to the absolute minimum of SNAP benefits for a household of one person, \$15. See Exhibit R-1 at 19; see also N.J.A.C. 10:87-12.6(a)(2) and DFDIs 17-09-02 at 12 and 18-09-01 at 14.



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 Initial Decision.

Accordingly, the Initial Decision in this matter is ADOPTED.

Officially approved final version.

APR 23 2019

Natasha Johnson
Director

