



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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

REMAND DECISION

OAL DKT. NO. HPW **09231-19 M.M.**

AGENCY DKT. NO. **C114037003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner challenges the correctness of the Respondent Agency's reduction of the household's Supplemental Nutrition Assistance Program ("SNAP") benefits. The household's SNAP benefits were reduced due to an increase in household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 7, 2019, the Honorable Lisa James-Beavers, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents. On August 12, 2019, the CALJ issued an Initial Decision, affirming the Agency's determination.

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 reviewed the CALJ's Initial Decision and the record, and I hereby MODIFY the CALJ's Initial Decision, AFFIRM the Agency's determination, and REMAND the matter to the Agency, as discussed below.

Here, the record reflects that Petitioner and her son were added to the SNAP case of her boyfriend, R.C. See Initial Decision at 2; see also Exhibit R-5. On June 28, 2019, the Agency notified R.C. that beginning August 1, 2019, the household's SNAP benefits would be reduced due to the receipt of Petitioner's Unemployment Insurance Benefits ("UIB"), which increased the household's total income.

See Initial Decision at 2; see also Exhibit R-1, R-2, and N.J.A.C. 10:87-5.3, -5.5(a)(2). The addition of Petitioner's monthly UIB income of \$884, to R.C.'s Work First New Jersey/General Assistance ("WFNJ/GA") grant of \$231, and with all other relevant numbers in the benefits calculation remaining unchanged, including shelter costs of \$69, and the Heating or Cooling Standard Utility Allowance of \$542, resulted in a reduction of the household's SNAP benefit amount from \$353 to \$260 per month. See Initial Decision at 2; see also Exhibits R-4, R-5, and N.J.A.C. 10:87-6.16. The CALJ found that, based upon applicable regulatory authority, and the documentary evidence presented, the household's SNAP benefit amount was properly reduced. See Initial Decision at 4; see also Exhibit R-1, R-5 and N.J.A.C. 10:87-6.16. Based on the record presented, I agree.



Petitioner, however, contends that the shelter costs amount used by the Agency should have been more because she purportedly pays one-half of the rent. See Initial Decision at 3; see also Exhibit R-5. It should be noted that R.C. receives Emergency Assistance ("EA") benefits, paid by the Agency, and that the \$69 shelter costs used by the Agency in calculating the household's SNAP benefits amount, represents R.C.'s required 30% portion of his WFNJ/GA grant towards his rent, which was paid directly to the landlord with the balance of the rent. See Initial Decision at 3; see also Exhibits R-3, R-4, R-5 and N.J.A.C. 10:90-6.5(a). Furthermore, as Petitioner is not a WFNJ or Supplemental Security Income ("SSI") benefits recipient, Petitioner is not eligible for EA benefits and would be responsible for her half of the rent. See N.J.A.C. 10:90-6.2(a). It appears from the record that the household's total rent is \$500. See Exhibit R-3. The record is devoid, however, of any documentation, i.e., receipts, bank statements, check ledgers, copy of canceled checks, etc., supporting Petitioner's claim that she has paid, or is paying, one-half of the household's rent.

Accordingly, I am remanding this matter back to the Agency for action as follows. Within 15 days from the date of issuance of this Final Agency Decision, Petitioner is to provide proof of the amount she pays towards the rent. If such proof is provided, then the Agency shall include Petitioner's contribution towards shelter costs and recalculate the household's monthly SNAP benefit amount. See N.J.A.C. 10:87-6.16(b)(8). Should such proof not be provided, then the monthly SNAP benefit amount of \$260 shall stand. The Initial Decision is modified to reflect these findings.

By way of comment, when the Agency puts a payment history into evidence, such as Exhibit R-3 in the present matter, it should include the full printout, including the payment type codes.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is hereby AFFIRMED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version.

AUG 30 2019

Natasha Johnson
Director

