



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 09163-18 K.J.

AGENCY DKT. NO. C226421020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's reduction of his Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency reduced Petitioner's SNAP benefits due to the increase in countable income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On August 1, 2018, the Honorable Joann LaSala Candido, Administrative Law Assignment Judge (hereinafter "ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. Also on August 1, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 in this matter, and following an independent review of the record, I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

Here, the record reflects that Petitioner had recently begun receiving monthly Supplemental Security Income ("SSI") benefits in the amount of \$781 in February 2018, and prior to that time, he had been receiving Work First New Jersey/General Assistance benefits. See Initial Decision at 2. At the time Petitioner was receiving WFNJ/GA benefits, Petitioner received a monthly SNAP allotment of \$192, and after receipt of SSI benefits, his SNAP allotment was reduced to \$66 a month due to his increased income. See Exhibit R-1 at 2. I hereby take official notice of the fact that Petitioner had a prior fair regarding that reduction, as well as several other issues, under OAL Docket number HPW 02561-18. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). In that case, ALJ Ellen S. Bass affirmed the Agency's reduction of Petitioner's SNAP benefits, noting that the calculations are formulaic, and when income increases, while other amounts remain constant, and after appropriate deductions, the SNAP benefit allotment will decrease, and further, the ALJ found that the SNAP regulations provide no basis for deductions due to particular dietary requirements. See Initial Decision in OAL Docket number HPW 02561-18 at 3. This office adopted the Initial Decision of ALJ Bass and affirmed the Agency's reduction of Petitioner's SNAP benefits on March 23, 2018.



In the present matter, Petitioner again asserts that he is entitled to the former \$192 amount of monthly SNAP benefits and had been promised same, and again maintains that he should be entitled to additional deductions to accommodate his dietary requirements. See Initial Decision at 2.

First, I again take official notice of the fact that the records of this office show that Petitioner received continued SNAP benefits during the pendency of his prior fair hearing, meaning that he would receive \$192 until such time as a Final Agency Decision was issued in the case. See N.J.A.C. 10:87-8.7. The records of this office further show that Petitioner requested his prior fair hearing in late January 2018, and the Final Agency Decision, as discussed above, was rendered on March 23, 2018. Exhibit R-1 at 2, shows that Petitioner was initially issued the earlier reduced SNAP benefit of \$66 in February and March, 2018, with an additional payment in March of \$252, which comprises the difference for the continued assistance benefit amount for the two months ($\$66 + \$66 + \$252 / 2 = \192). Petitioner may have mistakenly believed that continued assistance benefits would continue indefinitely, but that is not the case, as continued assistance ends following the issuance of the Final Agency Decision. See N.J.A.C. 10:87-8.7. The record supports the fact that this is what indeed occurred, as, following the issuance of the Final Agency Decision in Petitioner's prior fair hearing, Petitioner again received \$66 in monthly SNAP benefits until the time of his next recertification in June 2018, after which he began to receive \$127 in SNAP benefits. See Exhibit R-1 at 2.

Finally, based on the evidence presented in the record, I agree with the ALJ that the Agency's calculation of \$127 in SNAP benefits is correct, and I affirm the Agency's calculation of same. See Initial Decision at 3-4; see also Exhibit R-1 at 1. Additionally, as stated by both ALJs who reviewed the facts as stated above, there exists no regulatory authority for deductions based on dietary requirements. See Initial Decision at 2, 3; see also Initial Decision in OAL Docket number HPW 02561-18 at 3.

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

AUG 15 2018

Officially approved final version.

Natasha Johnson
Director

