



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 1496-15 J.C.

AGENCY DKT. NO. S441838 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner challenges the Respondent Agency's correctness of the reduction of his Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency maintains that Petitioner's SNAP benefits were reduced due to Petitioner's report of receiving Unemployment Insurance Benefits ("UIB"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 25, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On March 6, 2015, the ALJ issued his Initial Decision, affirming the Agency's determination. The ALJ determined that the Agency's calculations were accurate, and as such, the reduced SNAP benefits in the amount of \$16 were correct. See Initial Decision at 4.

No Exceptions to the Initial Decision were received from either party.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and having conducted an independent review of the record in this matter, I hereby MODIFY the Initial Decision and the Agency determination, specifically as to the correct amount of Petitioner's reduced SNAP benefits

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income

households. See N.J.A.C. 10:87-1.1(a). In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. N.J.A.C. 10:87-6.16 outlines the procedures used to calculate net income and benefit levels for SNAP recipients. The regulation provides that the applicant's net income for SNAP purposes is determined by totaling all countable earned and unearned income and then subtracting all allowable income exclusions and deductions. This net income is then compared against the maximum allowable net income amount for the household's size, as outlined at N.J.A.C. 10:87-12.3, to determine eligibility. If eligible, the household's monthly SNAP allotment shall be equal to the maximum food stamp allotment for the household's size, reduced by 30 percent of the household's net monthly income. See N.J.A.C. 10:87-12.6(a)(1).

Here, in conducting an independent review of the record, I disagree with the amount that the Agency used as the deduction for Petitioner's utility costs. Petitioner's landlord attested that Petitioner pays rent, plus the cost of electric. See Exhibit R-1 at 22. However, the Agency gave Petitioner only the Uniform Telephone Allowance of \$29 due to the fact that the utility bill was not in Petitioner's name, but in his landlord's, and was not showing solely the amount of electric, but allegedly encompassed costs for sewer and trash as well. See *id.* at 19, 24. The landlord indicated that the Agency should contact her if further clarification if needed, see *id.* at 22, but the Agency apparently did not do so. It is not clear if Petitioner pays the full amount of the utilities bill as provided in the record, or only the electric portion. See *id.* at 24. Regardless, I find that based upon the landlord's attestation, Petitioner is entitled to at least the Limited Utility Allowance ("LUA") of \$283, as he is paying at least two utilities, specifically, phone and electric. See *id.* at 16; see also DFD Instruction no. 14-07-04.

Thus, in accordance with N.J.A.C. 10:87-6.16, and referring to the calculations used by the Agency in Exhibit R-1, page 11, and substituting the LUA in step 8, the result changes beginning with step 8. I find that Petitioner has a shelter deduction of \$316.50 ($(\$400 \text{ rent} + \$283 \text{ LUA}) - \366.50), rather than the \$62.50 calculated by the Agency. See Exhibit R-1 at 11. This then results in a net income of \$416.50 ($\$733 - \316.50) for SNAP purposes rather than \$670.50. The maximum allowable income for a household of one person is \$973, see Exhibit R-1 at 16, thus Petitioner is eligible for SNAP benefits. Pursuant to N.J.A.C. 10:87-12.6(a)(1), Petitioner's net income, \$416.50, is then multiplied by 30%, equaling \$124.95, and then rounded up to \$125. That amount is then subtracted from the maximum benefit allotment for that size household, ($\$194 - \125) resulting in the final SNAP benefit amount of \$69, which I find to be the correct SNAP benefit amount for Petitioner, rather than \$16.

By way of comment, this amount may be further adjusted if Petitioner's utility/electric costs include those costs to heat and/or cool Petitioner's apartment, thereby entitling Petitioner to the Heating/Cooling Standard Utility Allowance ("HCSUA"), rather than the LUA. This question would need to be clarified through both Petitioner and his landlord in light of the fact that the utilities are in the landlord's name.

Based upon the above calculations, the Initial Decision and Agency action in this matter are both MODIFIED.

MAR 16 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director