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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 13226-18 S.A.

AGENCY DKT. NO. C079406007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner challenges the correctness of Respondent Agency's reduction of her Supplemental Nutrition Assistance Program ("SNAP") benefits on recertification. Petitioner's SNAP benefits were reduced due to the lack of a utility allowance in the benefits calculation, in accordance with applicable law. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 1, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On October 2, 2018, the ALJ issued an Initial Decision, affirming the Agency's calculation of Petitioner's benefits. Here, the record reflects that Petitioner's SNAP benefits were reduced, on recertification, from \$116 to \$55 per month. See Initial Decision at 2. Prior to Petitioner's recertification, her SNAP benefit amount had been calculated based upon her qualifying for, and receiving, the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$514. *Ibid.*; see also Exhibit R-2 at 3.

The Agency testified that Petitioner was no longer entitled to the HCSUA she had previously received due to a change in the SNAP regulations, which now only permitted the allowance based upon heating or cooling costs actually paid by the benefits recipient. See Initial Decision at 2. 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 Division of Family Development Instruction ("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.*

The ALJ in this matter found that Petitioner's heating cost is included in her monthly rent, and as Petitioner does not pay a separate charge for heating, she no longer qualified for the HCSUA, which resulted in a reduction of her monthly SNAP benefit amount. See Initial Decision at 3; see also Exhibit R-2 at 1, 2. Based on the foregoing, the ALJ concluded that the Agency's calculation of Petitioner's SNAP benefit amount on recertification was correct, and affirmed the Agency's determination. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:87-6.10, -6.16. I agree.



As the Director of DFD, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, it is unclear, from the record presented, if Petitioner pays any costs for cooling/air conditioning, separate and apart from her rent. Should Petitioner incur such costs separately from her rent, she may provide proof of same to the Agency, and the Agency will reevaluate Petitioner's eligibility for the HCSUA accordingly.

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

OCT 23 2016

Officially approved final version.

Natasha Johnson
Director

