



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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TRENTON, NEW JERSEY 08625

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*Governor*

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*Director*  
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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 15626-15 C.L.

AGENCY DKT. NO. C104045 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner challenges the correctness of Respondent Agency's calculation of his Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits on recertification. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 20, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On November 24, 2015, the ALJ issued his Initial Decision which affirmed the Agency's calculation of Petitioner's benefits. The ALJ noted that Petitioner's benefits were lowered from \$171.00 to \$80.00 due to the fact that the utility bills were not in Petitioner's name thereby precluding application of the Heating and Cooling Standard Utility Allowance ("HCSUA"). See Initial Decision at 2; see also Exhibit P-1 and P-2. The ALJ concluded that in order for Petitioner to receive the HCSUA, he must place the utility bills in his own name. See Initial Decision at 3. Therefore, the ALJ affirmed the Agency's determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development ("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 and AFFIRM the Agency's determination.

The record reflects that both the heating and gas bills that Petitioner claims support his entitlement to the HCSUA are in the name of his deceased mother. See Exhibit P-1 and P-2. The record is unclear whether the bill is paid by Petitioner's mother's trust disbursements, by Petitioner himself, or a different third party. See DFD Instruction 14-07-04. There are no cancelled checks or other proof of payment to attribute payment to a specific party, namely Petitioner. Therefore, due to a lack of clarity surrounding the payment of the utility bills in question, I concur with the ALJ that based on the record presented, Petitioner is not entitled to the HCSUA, and as such, I affirm the Agency's reduction of Petitioner's SNAP benefits. See N.J.A.C. 10:87-6.16; see also N.J.A.C. 10:87-12.1(c).

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

**DEC 14 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director