



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **01619-24 C.G.**

AGENCY DKT. NO. **C016450010 (HUNTERDON COUNTY BD. OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's reduction of her monthly Supplemental Nutrition Assistance Program ("SNAP") benefits allotment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 12, 2024, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 25, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, the ALJ's Initial Decision is hereby MODIFIED, and the Agency determination is AFFIRMED, based on the discussion below.

Regulatory authority applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3.

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 monthly net income is determined by adding together all earned and unearned income, then subtracting all income exclusions. Then, the standard deduction, based upon the size of the household, is subtracted from the income.

Thereafter, the household is evaluated to determine if a medical deduction is appropriate, which is if the household has medical expenses that exceed \$35.00. If the household is entitled to a medical deduction, then the amount in excess of \$35.00 is subtracted from the applicant's income. Then, the applicant is evaluated for an excess shelter deduction. Such a deduction is permitted when the individual's shelter costs exceed 50% of their net income. If this deduction is allowable, then the difference between the shelter costs and the 50% net income, or up to the maximum allowable amount, is subtracted from the individual's income. The remaining figure is Petitioner's net income. 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, an independent review of the record shows that Petitioner returned her Interim Reporting Form (“IRF”) for continued SNAP benefits on October 14, 2023. See Initial Decision at 2; see also Exhibit R-1 at 2-4. In her IRF, Petitioner advised of a change in household monthly earned income, and provided two recent paystubs, which reflected an increase in earned income since the original date of Petitioner application for SNAP benefits. See Exhibit R-1 at 2, 5-7. Using the recent paystubs, for the pay periods September 24, 2023 – September 30, 2023, and October 1, 2023 – October 7, 2023, the Agency averaged the two weeks gross pay of \$581.25 and \$570, for an average weekly gross income of \$575.63, which was then multiplied by the regulatory multiplier of 4.333 to reach a monthly gross income amount of \$2,494. See Exhibit R-1 at 6, 8; see also N.J.A.C. 10:87-6.9(d)(1). After applying the appropriate deductions for her household size, and determining Petitioner’s net income for SNAP eligibility purposes of \$1,797.20, Petitioner’s SNAP benefits allotment was correctly determined to be the minimum SNAP allotment of \$23. See Exhibit R-1 at 8; see also DFD Instruction (“DFDI”) 23-09-01 at 12. Accordingly, I agree with the ALJ’s final conclusion in this matter that the Agency’s calculation, and resulting reduction of Petitioner’s SNAP benefits allotment was proper and must stand. See Initial Decision at 2, 4; see also Exhibit R-1 at 8, 9. The Initial Decision is modified to include the above analysis and findings.

By way of comment, the record reflects that no shelter/rental expenses, or utility costs were applied in the SNAP benefits allotment calculations. See Exhibit R-1 at 8. The record is devoid of any evidence that such expenses or costs were previously utilized in the determination of Petitioner’s original SNAP benefits allotment. Therefore, if Petitioner has shelter/rental expenses, and/or utility costs, she should provide same to the Agency for inclusion in her SNAP benefits case.

Accordingly, the Initial Decision in this matter is MODIFIED, and the Agency’s determination is hereby AFFIRMED, as outlined above.

Officially approved final version. April 16, 2024

Natasha Johnson
Assistant Commissioner

