



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **01152-24 T.L.**

AGENCY DKT. NO. **C147591015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's calculation of Supplemental Nutrition Assistance Program ("SNAP") benefits at recertification. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 26, 2024, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 1, 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.

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).

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. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits for both adults and children in the household. See N.J.A.C. 10:87-5.5(a)(2).

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 application for recertification on December 7, 2023. See Initial Decision at 2; see also Exhibit R-8. Initially, the Agency denied Petitioner's SNAP benefits application for exceeding the maximum allowable gross income level for the household size. See Initial Decision at 2; see also Exhibits P-1, R-2. However, thereafter, the Agency reevaluated Petitioner's application, taking into account that her Unemployment Insurance Benefits ("UIB") had ended in December, 2023, and as such, Petitioner was notified that she was eligible for SNAP benefits in the monthly allotment amount of \$377, effective January 1, 2024. See Initial Decision at 2; see also Exhibits R-1, R-3, R-4. I note that in calculating the monthly allotment amount, the record shows that the Agency used an average of six months of child support payments, from July, 2023, through December, 2023, to reach a monthly average child support amount of \$1,396. See Exhibits R-5, R-6. Furthermore, full calculations in the record shows that the appropriate deductions for rent and a utility allowance were applied, and as such, I agree that the Agency properly determined Petitioner's monthly SNAP allotment to be \$377. See Exhibits R-3 and R-4. Accordingly, I agree with the ALJ's final conclusion in this matter that the Agency's calculation, and subsequent reduction, of Petitioner's SNAP benefits allotment at recertification was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1. The Initial Decision is modified to reflect these findings.

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

Officially approved final version. March 27, 2024

Natasha Johnson
Assistant Commissioner

