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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 10796-19 A.M.

AGENCY DKT. NO. C772464007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner challenges the correctness of Respondent Agency's calculation of her monthly Supplemental Nutrition Assistance Program ("SNAP") benefit amount. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 21, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

No Exceptions to this Initial Decision were filed by 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 following an independent review of the record, the ALJ's Initial Decision is hereby ADOPTED, 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). 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).

The record in this matter reflects that Petitioner's household consists of two people, and that the household's monthly gross income totals \$1,759, comprised of Petitioner's Supplemental Security Income ("SSI") benefits, and her spouse's Retirement, Survivors and Disability Insurance ("RSDI") benefits. See Initial Decision at 2; see also Exhibit R-1 at 7, 9, 14, and N.J.A.C. 10:87-5.5(a)(2) and -6.16(b)(3). The household has no net monthly earned income. See N.J.A.C. 10:87-6.16(b)(2). After subtracting the standard deduction of \$164 for a household of two, and the excess medical deduction over \$35.00, or \$100 (\$135 - 35), Petitioner's income is reduced to \$1495. See N.J.A.C. 10:87-6.16(b)(4), (5); see also DFDI Instruction ("DFDI") 18-09-01 at 14. Next, is to determine if Petitioner receives a shelter deduction and if so, how much. Petitioner's shelter costs total \$840, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$542, which equals \$1382.00. See N.J.A.C. 10:87-6.16(b)(8); see also DFDI 18-09-01 at 15. Subtracted from that amount is 50% of Petitioner's net income after the above deductions, or half of \$1495.00, which is \$747.50, (1382 - 747.50), resulting in the amount of \$634.50. See N.J.A.C. 10:87-6.16(b)(8). While this amount exceeds the maximum excess shelter deduction of \$552, because the household contains a disabled individual, the full amount of \$634.50 is used as the excess shelter deduction. See N.J.A.C. 10:87-6.16(b)(9). This amount is then subtracted from Petitioner's income minus the deductions ((\$1759 - \$264) - \$634.50), resulting in a net monthly SNAP income of \$860.50. Ibid. That amount is then multiplied by .3 and rounded up, or \$259. See N.J.A.C. 10:87-12.6(a)(1)(i)-(ii). That amount is then subtracted from the maximum benefit for a household of two, \$353 - \$259, or \$94. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also Exhibit R-1 at 14.

Based on the foregoing, I concur with the ALJ that the Agency's calculation of Petitioner's SNAP benefits was correct, and must stand. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:87-6.16.

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

Officially approved final version.

SEP 25 2019

Natasha Johnson
Director

