



State of New Jersey

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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 06318-19 S.W.

AGENCY DKT. NO. S725970009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner challenges the correctness of Respondent Agency's reduction of her Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. Petitioner's SNAP benefits were reduced, at recertification, due to an increase in household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 23, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On July 18, 2019, the ALJ issued an Initial Decision, affirming 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 ALJ's Initial Decision and record in this matter, and I hereby MODIFY the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

N.J.A.C. 10:87-2.36(a), governing Expanded Categorical Eligibility for SNAP benefits, states that "[a] household shall be eligible for NJ SNAP benefits when the gross income of that household is less than 185[%] of the Federal Poverty Level. Participants [who meet this criteria] do not have to meet the net income test; however, certain deductions will be taken to determine the NJ SNAP benefit amount."

For those disabled individuals, however, who do not qualify for the Expanded Categorical Eligibility, because their income is more than 185% of the Federal Poverty Level, N.J.A.C. 10:87-6.16(d)(1), states, "Households which contain an elderly or disabled member (as defined at N.J.A.C. 10:87-2.34) shall have the household's net income as calculated in [N.J.A.C. 10:87-6.16] (b) above, compared to the monthly income eligibility standard for the appropriate household size at N.J.A.C. 10:87-12.3 to determine eligibility for the month." See also DFD Instruction ("DFDI") No. 11-02-02.

Based on an independent review of the record, at the time of Petitioner's recertification for SNAP benefits, she received \$1,058 in monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits, and \$1,161 in monthly earned income. See Initial Decision at 2; see also Exhibits P-2, P-3, P-4,



P-5, and R-1 at 2, 6. Because Petitioner's combined gross income is above the 185% Federal Poverty Level for a household of one of \$1,872, Petitioner does not qualify for Expanded Categorical Eligibility, under N.J.A.C. 10:87-2.36(a), but may still be eligible for SNAP benefits, as a disabled individual, dependent on her monthly SNAP net income amount. See N.J.A.C. 10:87-6.16(d)(1). After applying the appropriate deductions, Petitioner's monthly SNAP net income was calculated to be \$992.20. See Exhibit R-1 at 2, 6; see also N.J.A.C. 10:87-5.10(a), -6.16. At the time of Petitioner's recertification, in May 2019, the maximum allowable net income, for a household of one, in accordance with N.J.A.C. 10:87-12.3, is \$1,012. See DFDI No. 18-09-01 at 15. As Petitioner's net income is below that amount, Petitioner is eligible for SNAP benefits. When completing the calculations to determine the monthly SNAP benefit allotment, in accordance with N.J.A.C. 10:87-12.6(a)(1), the benefit amount results in an amount less than zero; however, as Petitioner is a household of one, she is entitled to the minimum monthly SNAP allotment of \$15.00. See N.J.A.C. 10:87-6.16(d)(3)(ii); see also DFDI No. 18-09-01 at 14, and Exhibit R-1 at 6.

The ALJ in this matter concluded that the reduction of Petitioner's SNAP benefits by the Agency was appropriate. See Initial Decision at 3; see also Exhibits P-1 and R-1 at 6. While I agree with the ALJ's final conclusion in this matter, and find that the Agency's action in this matter was correct, the Initial Decision is hereby modified to reflect the analysis as contained above.

By way of comment, in accordance with applicable regulatory authority, in cases involving SNAP benefits, a fair hearing, Initial Decision, and Final Decision are all to be completed within 60 days from the receipt of an individual's request for a fair hearing. See 7 C.F.R. § 273.15(c)(1). With this time frame in mind, it should also be noted that Initial Decisions in SNAP cases are to be issued within 14 days from the date of the hearing before the ALJ. See N.J.A.C. 1:10-18.1(b).

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

Officially approved final version.

AUG - 6 2019

Natasha Johnson
Director

