



State of New Jersey

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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 02873-20 D.A.

AGENCY DKT. NO. S511007012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

~~Petitioner challenges the Respondent Agency's reduction of her monthly Supplemental Nutrition Assistance Program ("SNAP") benefits amount from the maximum SNAP benefit amount for a household of one, \$194, to the minimum SNAP benefit amount for a household of one, \$16. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The case was originally scheduled for a telephonic hearing on August 4, 2020, but was adjourned. The matter was rescheduled, and on August 14, 2020, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for the Agency to submit additional documentation, and upon receipt of said documentation on August 18, 2020, the record then closed. On August 28, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.~~

No Exceptions to the Initial Decision were filed by either party.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, 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).

Here, an independent review of the record shows that Petitioner receives Retirement, Survivors and Disability Insurance ("RSDI") benefits. See Initial Decision at 2; see also Exhibit R-C. The record further reflects that, at the time of Petitioner's recertification for SNAP benefits, in February 2019, Petitioner was given a shelter deduction of \$1,134. See Initial Decision at 2; see also Exhibit R-3. Upon completing an Interim Reporting Form ("IRF") on January 21, 2020, Petitioner indicated that her home had been foreclosed upon, resulting in a recalculation of Petitioner's SNAP benefits allotment, without inclusion of rent in the excess shelter costs deduction, and with an increase in Petitioner's RSDI benefits. See Initial Decision at 2-3; see also Exhibits R-A1, R-C.

Turning to the calculations of Petitioner's monthly SNAP benefits amount, the record indicates that Petitioner's household consists of one person, and that the household's monthly gross income totals \$927, comprised of Petitioner's RSDI benefits. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:87-5.5(a)(2) and -6.16(b)(3). The household has no monthly earned income. See N.J.A.C. 10:87-6.16(b)(2). After subtracting the standard deduction of \$167 for a household of one, Petitioner's income is reduced to \$760. See N.J.A.C. 10:87-6.16(b)(4); see also DFDI Instruction ("DFDI") 19-09-01 at 11. ~~There are no medical expenses in excess of \$35. See N.J.A.C. 10:87-6.16(b)(5). Next, is to determine if Petitioner receives a shelter deduction and if so, how much. Petitioner's shelter costs are~~ now \$0, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which equals \$548. See N.J.A.C. 10:87-6.16(b)(8); see also DFDI 19-09-01 at 11. Subtracted from that amount is 50% of Petitioner's income after the above deductions, or half of \$760, which is \$380, (\$548 - \$380), resulting in an excess shelter deduction of \$168. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions ((\$927 - \$167) - \$168), resulting in a net monthly SNAP income of \$592. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit R-1. That amount is then multiplied by .3 and rounded up, or \$178. 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 one, \$194 - \$178, or \$16. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also DFDI 19-09-01 at 11, and Exhibit R-1.

I do note, however, that there is a discrepancy with the exhibits presented by the Agency in this matter. Specifically, Exhibits R-A3 and R-B1 show no HCSUA utilities allowance in the Agency calculations. Regardless, that omission results in the same outcome, namely, that Petitioner is eligible for the minimum monthly SNAP allotment of \$16 for a household of one person. See N.J.A.C. 10:87-12.6(a)(2); see also 7 CFR 273.10(e)(2)(ii)(C) and DFDI 19-09-01 at 2, 11. This is due to the fact that, in accordance with N.J.A.C. 10:87-6.16(b)(8), subtracting fifty percent of the household's monthly net income [which is \$927 minus the standard deduction of \$167, $927 - 167$, or $760 \times .5 = 380.00$] from the total shelter costs of \$0, with no HCSUA allowance, results in a negative number, and as such, Petitioner would not be entitled to a deduction for excess shelter costs. See N.J.A.C. 10:87-6.16(b)(8), (9). Then, to calculate the benefit amount, the net income amount of \$760 is then multiplied by thirty percent and rounded up, which is \$228. See N.J.A.C. 10:87-12.6(a)(1)(i). Subtracting that amount from the maximum benefit allotment for a household of one, of \$194 also results in a negative number. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also DFDI 19-09-01 at 11. However, as a household of one person, Petitioner is eligible for the minimum allotment amount, which currently is \$16, and is reflected on Exhibit R-B1. See N.J.A.C. 10:87-12.6(a)(2); see also 7 CFR 273.10(e)(2)(ii)(C) and DFDI 19-09-01 at 2, 11. The Initial Decision is modified to reflect the above findings.



Based on the foregoing, I concur with the ALJ's finding that the Agency properly reduced Petitioner's monthly SNAP benefits allotment. See Initial Decision at 5; see also Exhibits R-A, R-B 1. Furthermore, while Petitioner asserted that all expenses associated with living in her car should be applied as a shelter deduction, the ALJ correctly concluded that such expenses are not permissible in accordance with applicable regulatory authority. See Initial Decision at 5; see also N.J.A.C. 10:87-5.10(a)(6).

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

Officially approved final version.

SEP 10 2020

Natasha Johnson
Assistant Commissioner

