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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 **02868-20 D.B.**

AGENCY DKT. NO. **C011117010 (HUNTERDON COUNTY BD. OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's calculation of Supplemental Nutrition Assistance Program ("SNAP") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 11, 2020, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 20, 2020, 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 **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).

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 SNAP allotment for the household's size, reduced by 30 percent of the household's calculated 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 three people. See Initial Decision at 2; see also Exhibit R-1 at 7. The household has earned income in the amount \$726. See Exhibit R-1 at 7. Eighty percent of the household's earned income amount ($\$726 \times .8$), or \$580.80, is added to the household's monthly unearned income, \$2,107, comprised of Petitioner's Retirement, Survivors and Disability Insurance ("RSDI") benefits, for a total of \$2,687.80. See Exhibit R-1 at 7; see also N.J.A.C. 10:87-5.5(a)(2) and -6.16(b)(2), (3). After subtracting the standard deduction of \$167 for a household of three, and the excess medical deduction over \$35.00, or \$303 ($\$338 - \35), from the total of \$2,687.80 the household's income is reduced to \$2,217.80. See Exhibit R-1 at 7; see also N.J.A.C. 10:87-6.16(b)(4), (5) and DFDI Instruction ("DFDI") 19-09-01 at 11. Next, is to determine if Petitioner receives a shelter deduction and if so, how much. Petitioner's shelter costs total \$1,399, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which equals \$1,947.00. See N.J.A.C. 10:87-6.16(b)(8); see also DFDI 19-09-01 at 11. Subtracted from that amount is 50% of Petitioner's income after the above deductions, or half of \$2,217.80, which is \$1,108.90, ($\$1,947.00 - \$1,108.90$), resulting in an excess shelter deduction of \$838.10. See N.J.A.C. 10:87-6.16(b)(8). While this amount exceeds the current maximum excess shelter deduction of \$569, because the household contains a disabled individual, the full amount of \$838.10 is used as the excess shelter deduction. See N.J.A.C. 10:87-6.16(b)(9). This amount is then subtracted from Petitioner's income minus the deductions ($\$580.0 + \$2,107 - (\$167 + \$303) - \$838.10$), resulting in a net monthly SNAP income of \$1379.70. See N.J.A.C. 10:87-6.16(b)(9). That amount is then multiplied by .3 and rounded up, or \$414. 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 three, \$509 - \$414, or \$95. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also DFDI 19-09-01 at 11, and Exhibit R-1 at 7.

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 at 7, 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 10 2020

Natasha Johnson
Assistant Commissioner

