



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
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

AMENDED DECISION

OAL DKT. NO. HPW 00189-21 C.P.

AGENCY DKT. NO. C093754015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

A Final Agency Decision ("FAD") was issued in this matter on March 4, 2021. This Amended FAD is being issued to recognize receipt of Exceptions filed by Petitioner, and received by this office on March 19, 2021.

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits contending that Petitioner's countable household income exceeded the maximum permissible level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On February 18, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on March 19, 2021.

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.

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 accordance with N.J.A.C. 10:87-6.16(b)(1), households which contain an elderly or permanently disabled individual, as defined by N.J.A.C. 10:87-2.34, must meet the net income test for SNAP eligibility. N.J.A.C. 10:87-6.16(d)(2), states that households that do not contain an elderly or permanently disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4.



Gross income is determined by adding together the household's monthly earned and unearned income, minus any earned income exclusions. See N.J.A.C. 10:87-6.16(b), (b)(1). That total gross income amount is then utilized to determine a household's SNAP eligibility in accordance with N.J.A.C. 10:87-6.16(d)(1) and (2).

Here, an independent review of the record reflects that Petitioner's SNAP household is comprised of ten people, including Petitioner, his wife and eight children. See Initial Decision at 2; see also Exhibit R-9. The record further shows that four of Petitioner's children receive Retirement, Survivors and Disability Insurance ("RSDI") benefits totaling amount \$4592 per month. See Exhibit R-13. Petitioner also receives earned income from the Personal Preference Program ("PPP") of \$747. See Exhibit R-12; see also Initial Decision at 2. While Petitioner asserted that that income should be excluded from SNAP eligibility calculations, the ALJ determined that such was not the case, as Petitioner himself is not the care recipient, rather his children are, and Petitioner receives the income as the hired care provider. See Initial Decision at 3, 5-6. After applying of a standard deduction of \$243 for a household of more than six persons, a medical deduction of \$387, and including \$1,630 shelter expense, and the Heating or Cooling Standard Utility Allowance ("HCSUA") of \$548, Petitioner's monthly SNAP net income was calculated to be \$6,340. See Exhibit R-12; see also DFDI Instruction ("DFDI") 20-09-04 at 11. For SNAP benefits eligibility, the maximum net income level for a household of ten persons is \$4,425. See DFDI 20-09-04 at 12. As Petitioner's calculated net income of \$6,340 exceeds the maximum income eligibility amount of \$4,425, Petitioner is not eligible for SNAP benefits. Ibid. As such, I agree with the ALJ's final conclusion in this matter that the Agency's denial of SNAP benefits to Petitioner was proper and must be affirmed. See Initial Decision at 6; see also Exhibit R-1.

By way of comment, Petitioner included documents with his Exceptions which were not introduced before the ALJ at the hearing. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ. Moreover, I have reviewed the Exceptions filed by Petitioner in this matter and I note that the arguments therein do not alter my decision in this matter, as treatment of income for SNAP purposes, and for income tax purposes, may differ, due to the relevant and separate applicable regulatory authority, as outlined above.

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

Officially approved final version.

APR - 6 2021

Natasha Johnson
Assistant Commissioner

