



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 03411-21 J.J.

AGENCY DKT. NO. C071961006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner challenges the correctness of the Respondent Agency's calculation of his Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. Petitioner's SNAP benefits allotment was reduced at recertification due to the household's increase in income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 12, 2021, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open and then closed on May 14, 2021. On May 27, 2021, 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. Further, N.J.A.C. 10:87-5.5(a)(2) specifically includes "unemployment compensation" as unearned income which is to be included when determining a household's SNAP eligibility.

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's household consists solely of Petitioner, and that the household's total monthly gross income is comprised of monthly earned income in the amount of \$973 per month, and unearned income, in the form of Unemployment Insurance Benefits ("UIB"), in the amount of \$992 per month. See Initial Decision at 2; see also Exhibit R-1 at 10-15, and N.J.A.C. 10:87-5.5(a)(2) and -6.16(b)(2), (3). A further review of the record reveals that the Agency correctly applied the appropriate deductions, to arrive at the net SNAP income of \$1082.10. See Exhibit R 1 at 6 7; see also DFDI Instruction ("DFDI") 20 09 04 at 11. That amount is then multiplied by .3 and rounded up, or \$325. 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, \$204 - \$325, resulting in a negative number. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also DFDI 20-09-04 at 11. However, as a household of one person, Petitioner's household is eligible for the minimum allotment amount, which, at the time of the Agency's recertification in this matter, was \$19, and which was so reflected on the Agency's March 26, 2021, adverse action notice. See N.J.A.C. 10:87-12.6(a)(2); see also 7 CFR 273.10(e)(2)(ii)(C), DFDI 20-09-04 at 2, 11, and Exhibit R-1 at 2, 8. I do note that both the maximum and minimum SNAP benefits allotments were increased by 15 percent, for the period January 1, 2021, through June 30, 2021, thus raising the minimum allotment amount for a household of one or two persons from \$16 to \$19. See DFDI 20-09-04 at 11, and DFDI 21-02-05. Based on the foregoing, I concur with the ALJ's finding that the Agency properly reduced Petitioner's monthly SNAP benefits allotment at recertification. See Initial Decision at 4; see also Exhibit R-1 at 2.

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

JUN 15 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

