



State of New Jersey

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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 05428-21 L.A.

AGENCY DKT. NO. S456345014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency denied Petitioner SNAP benefits at recertification, 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 August 3, 2021, the Honorable William T. Cooper, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On August 10, 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.

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. 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 only 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.



N.J.A.C. 10:87-6.16(b) further outlines the procedures used to calculate both gross and net income for SNAP benefits purposes, and the applicable benefit levels, if eligible. 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 for SNAP benefits purposes. 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 reflects that Petitioner's SNAP household is comprised of Petitioner, and her boyfriend, S.K., and that Petitioner is sixty-four years old. See Initial Decision at 2; see also Exhibit R-1 at 1. Based upon Petitioner's age, Petitioner is considered elderly for SNAP purposes and the household must meet only the net income test for SNAP eligibility. *Ibid.*; see also N.J.A.C. 10:87-2.34(a)(1) and N.J.A.C. 10:87-6.16(b)(1). The record further shows that, at the time of recertification, Petitioner was receiving monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits in the amount of \$1,089.00, and S.K. receives monthly RSDI benefits in the amount of \$1,555.00, as well as monthly Unemployment Insurance Benefits ("UIB") of \$996.59, for a total household unearned income of \$3,640.59. See Initial Decision at 3; see also Exhibit R-1 at 17, 18, 21-24. The household has no earned income. See N.J.A.C. 10:87-6.16(b)(2),(3). After subtracting the standard deduction of \$167 for a household of two, the household's income is reduced to \$3,473.59. See N.J.A.C. 10:87-6.16(b)(4); see also DFD Instruction ("DFDI") 20-09-04 at 11. Next, is to determine if Petitioner receives a shelter deduction and if so, how much. The record reflects that Petitioner's shelter costs total \$1523. See Exhibit R-1 at 36; see also N.J.A.C. 10:87-6.16(b)(8). Subtracted from that amount is 50% of Petitioner's income after the above deductions, or half of \$3,473.59, which is \$1,736.79, (\$1,523 - \$1,736.79), which results in a negative number and therefore, no excess shelter deduction is applied. See N.J.A.C. 10:87-6.16(b)(8). As such, the household's net monthly SNAP income is \$3,473.59. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit R-1 at 36. For SNAP benefits eligibility, the maximum net income level for a household of two persons is \$1,437. See DFDI 20-09-04 at 12. As Petitioner's calculated net income of \$3,473.59 exceeds the maximum income eligibility amount of \$1,437, Petitioner's household is not eligible for SNAP benefits. *Ibid.* Additionally, the record further reflects that Petitioner had resources totaling \$6,163.46, which exceed the permissible resource limit of \$3,500, thereby also precluding Petitioner's household from SNAP benefits eligibility. See Exhibit R-1 at 36, 39-40; see also DFDI 20-09-04 at 13, and N.J.A.C. 10:87-4.11(a). Based on the foregoing, I agree with the ALJ's final conclusion in this matter that the Agency's denial of SNAP benefits to Petitioner, at recertification, was proper and must be affirmed. See Initial Decision at 4-5.

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



Officially approved final version.

AUG 24 2021

Natasha Johnson
Assistant Commissioner

