



State of New Jersey

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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 03905-21 L.B.

AGENCY DKT. NO. C175110002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's calculation of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. Petitioner's SNAP benefits allotment was reduced at recertification due to the household's increase in unearned income in the form of Retirement, Survivors and Disability Insurance ("RSDI") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 20, 2021, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. 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. 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 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 monthly gross income is \$1,443, now comprised of monthly RSDI benefits, while Petitioner had previously received Supplemental Security Income ("SSI") benefits. See Initial Decision at 2; see also Exhibit R-1 at 2, 3, 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, and the excess medical deduction over \$35.00, or \$114 (\$149 - \$35), from the total of \$1,443 the household's income is reduced to \$1,162. See N.J.A.C. 10:87-6.16(b)(4); see also DFDI Instruction ("DFDI") 20-09-04 at 11. Next is to determine if Petitioner receives a shelter deduction and if so, how much. Petitioner's shelter costs are \$162, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which equals \$710. See N.J.A.C. 10:87-6.16(b)(8); see also DFDI 20-09-04 at 11, and Exhibit R-1 at 6. Subtracted from that amount is 50% of Petitioner's income after the above deductions, or half of \$1,162, which is \$581, (\$710 - \$581), resulting in an excess shelter deduction of \$129. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions (((\$1,443 - \$167 - \$114) - \$129), resulting in a net monthly SNAP income of \$1,033. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit R-1 at 5. That amount is then multiplied by .3 and rounded up, or \$310. 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 - \$310, 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 redetermination in this matter, was \$19, and which was so reflected on the Agency's April 8, 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 6. 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 6.

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

JUN 10 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

