



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 04464-21 M.P.

AGENCY DKT. NO. C157188003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner challenges the correctness of the Respondent Agency's reduction of his Supplemental Nutrition Assistance Program ("SNAP") benefits, on recertification. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for June 9, 2021. On that date, Petitioner requested additional information from the Agency and also sought to retain counsel. The hearing was thereby adjourned and rescheduled for June 28, 2021. On June 28, 2021, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for submission of additional information by the Agency and then closed on June 30, 2021. On July 15, 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). 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).

As stated above, one step in determining a SNAP recipient's benefit amount is identifying actual shelter costs paid, in order to determine if an excess shelter deduction is applicable in the household's SNAP benefits calculation. The record in this matter reflects that, at the time of Petitioner's recertification for SNAP benefits, Petitioner advised the Agency that he no longer paid a portion of his unearned income from Supplemental Security Income ("SSI") towards his shelter costs, which was then confirmed by the Agency. See Initial Decision at 3, 4; see also Exhibit R-8. As such, the shelter costs actually paid by Petitioner were changed in the SNAP benefits calculation, from \$244 to \$0. *Id.* at 6; see also Exhibit R-11.

Accordingly, Petitioner's correct SNAP benefits allotment was calculated as follows. The record in this matter reflects that Petitioner's household consists of one person, and that the household's monthly gross income totals \$825, comprised of Petitioner's unearned income from SSI benefits. See Exhibits R-10 and R-11, 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, Petitioner's income is reduced to \$658. See N.J.A.C. 10:87-6.16(b)(4); see also DFD Instruction ("DFDI") 19-09-01 at 11. Next, is to determine if Petitioner receives a shelter deduction and if so, how much. As outlined above, Petitioner's shelter expenses are now \$0, added to that, is the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which equals \$548.00. See N.J.A.C. 10:87-6.16(b)(8); see also DFDI 20-09-04 at 11. Subtracted from that amount is 50% of Petitioner's income after the above deductions, or half of \$658.00, which is \$329.00, (\$548 - \$329), resulting in an excess shelter deduction of \$219.00. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions (($\$825 - \167) - $\$219.00$), resulting in a net monthly SNAP income of \$439.00. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit R-11. That amount is then multiplied by .3 and rounded up, or \$132. 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, \$234 - \$132, or \$102. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also Exhibit R-11.

Based on the foregoing, I concur with the ALJ that the Agency's calculation of Petitioner's SNAP benefits, and the resultant reduction of said benefits on recertification due to a decrease in actual shelter expenses, was correct and must stand. See Initial Decision at 8; see also Exhibit R-1, 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, as outlined above.

Officially approved final version.

AUG 10 2021

Natasha Johnson
Assistant Commissioner

