



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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

FINAL DECISION

OAL DKT. NO. HPW 01732-21 R.B.

AGENCY DKT. NO. C142231003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

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. A hearing was initially scheduled for March 22, 2021, but was adjourned due to an administrative error by the Agency. The matter was rescheduled for April 7, 2021, and again adjourned because Petitioner had not received the fair hearing packet that had been emailed to her. The case was then rescheduled for April 13, 2021, and on that date, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record remained open for the parties to submit additional documentation. The record was then reopened on May 3, 2021, by the ALJ, seeking information as to the way which Petitioner's income, for eligibility purposes, had been calculated. Following receipt of the requested confirmation from the Agency, the record then closed on May 11, 2021. On May 26, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on June 10, 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, 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 solely of Petitioner, and that Petitioner is seventy-four years old. See Initial Decision at 2. Therefore, Petitioner is considered elderly for SNAP purposes and 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 had monthly earned income in the amount of \$2,096. See Initial Decision at 3; see also Exhibit R-4. 80 percent of that earned income is \$1676.80, which is then added to the household's unearned income, comprised of monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits of \$324, bringing the household's income to \$2,000.80. See N.J.A.C. 10:87-6.16(b)(2),(3). After subtracting the standard deduction of \$167 for a household of one, Petitioner's income is reduced to \$1,833.80. 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 total \$441, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which equals \$989. 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 \$1833.80, which is \$916.90, (\$989 - \$916.90), resulting in an excess shelter deduction of \$72.10. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions (((\$2,000.80 - \$167) - \$72.10), resulting in a net monthly SNAP income of \$1,761.70. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit R-4. For SNAP benefits eligibility, the maximum net income level for a household of one person is \$1,064. See DFDI 20-09-04 at 12. As Petitioner's calculated net income of \$1,761.70 exceeds the maximum income eligibility amount of \$1,064, 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, at recertification, was proper and must be affirmed. See Initial Decision at 6-7; see also Exhibit R-2.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments therein do not alter my decision in this matter. Moreover, Petitioner included documents with her 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.



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

JUN 17 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

