



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 04388-21 S.D.

AGENCY DKT. NO. C250826020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency terminated Petitioner's 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 June 11, 2021, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record remained open to allow the Agency to submit documentation and then closed on June 14, 2021. On June 21, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

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 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 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.



Here, the record reflects that, at recertification, Petitioner submitted an application for SNAP benefits solely for herself, and therefore, Petitioner was treated as a SNAP household of one person. See Initial Decision at 3; see also Exhibit R-2. The record further shows that, at the time of Petitioner's recertification, Petitioner confirmed that she was receiving \$2,065 in monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits. See Initial Decision at 2; see also Exhibit R-2. After applying the standard deduction of \$167 for a household of one, with no other expenses, such as rent, Petitioner's net income, for SNAP eligibility purposes, is determined to be \$1,898. See N.J.A.C. 10:87-6.16. For SNAP benefits eligibility, the maximum net income level for a household of one person is \$1,064. See DFD Instruction ("DFDI") 20-09-04 at 12. As Petitioner's calculated net income of \$1,898 exceeds the maximum income eligibility amount of \$1,064, Petitioner is no longer eligible for SNAP benefits. Ibid. Based on the foregoing, I agree with the ALJ that the Agency's termination of Petitioner's SNAP benefits, at recertification, for excess income over the net income eligibility standard, was proper and must stand. See Initial Decision at 3; see also Exhibit R-1.

By way of comment, based on the testimony presented, it appears that Petitioner may not be a separate household, for SNAP benefits purposes, from her sister's family, and as such, Petitioner may apply for SNAP benefits together with her sister's family as one household. See Initial Decision at 2; see also N.J.A.C. 10:87-2.2(a)(3).

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

JUL 13 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

