



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 03054-21 T.L.

AGENCY DKT. NO. C161654003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's reduction, as well as the subsequent termination, of her Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency reduced Petitioner's SNAP benefits allotment due to an increase in the household's total income. Thereafter, Petitioner's SNAP benefits were terminated after a change in the household's size, resulting in the household's monthly unearned income exceeding 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 April 26, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On May 11, 2021, the ALJ issued an Initial Decision, affirming both the reduction of Petitioner's SNAP benefits allotment and the subsequent termination of Petitioner's SNAP benefits.

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 MODIFIED, and the Agency's determinations are 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, as well as child support or alimony payments made directly to the household from nonhousehold members. See N.J.A.C. 10:87-5.5(a)(2), (5).

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 the time of Petitioner's recertification for SNAP benefits in December, 2020, Petitioner's household had unearned income in form of monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits for both Petitioner and her daughter, in the amounts of \$1,105 and \$552 respectively, Supplemental Security Income ("SSI") benefits in the amount of \$5 for her daughter, as well as combined child support payments in the amount of \$644, for a total household gross income of \$2306. See Initial Decision at 5; see also Exhibits R-B, R-M. After applying the applicable deductions, including the Heating and Cooling Standard Utility Allowance ("HCSUA"), the household's SNAP net income was calculated to be \$1,097.50. See Initial Decision at 6; see also Exhibit R-B. Utilizing this net income amount, for a household of two persons, the SNAP benefits allotment is calculated to be \$44. See Initial Decision at 6; see also N.J.A.C. 10:87-12.6. Based on the foregoing, the ALJ concluded that the Agency's had correctly reduced Petitioner's SNAP benefits in December, 2020, at the time of recertification and as such, Agency's determination was proper and must stand. See Initial Decision 6, 8; see also Exhibit R-B. I agree.

With respect to the Agency's termination of Petitioner's SNAP benefits, it should be noted that none of the calculations, with respect to the household's gross income, and the household's net SNAP income, changed. See Exhibit R-B. Rather, due to Petitioner's permanent disqualification from receipt of SNAP benefits, which occurred in 2010, the household size was reduced from a household of two persons, to one person. See Initial Decision at 4, 6-7; see also Exhibit R-G. Because Petitioner's household contains an individual who receives SSI benefits, and that individual is thus considered permanently disabled, only the net income test for SNAP benefits eligibility must be met, and not the gross income test, as stated in the Initial Decision. See N.J.A.C. 10:87-2.34(a)(2), -6.16(b)(1); see also Exhibits R-B, R-J and Initial Decision at 7-8. The maximum net income level for SNAP eligibility for a household of two is \$1,437, and for a household of one is \$1,064. See DFDI Instruction ("DFDI") 20-09-04 at 12. Thus, it is clear that, while Petitioner's household was eligible for SNAP benefits when it was comprised of two persons, because it was under the maximum net income amount of \$1,437 for a household of two persons, it is over the maximum net income amount of \$1,064 for a household of one person, and therefore, Petitioner is no longer eligible for SNAP benefits. Ibid. Accordingly, the Agency's termination of Petitioner's SNAP benefits was proper and must stand. See Exhibit R-A. The Initial Decision in this matter is modified to reflect the above analysis and findings.

By way of comment, it should be noted that the income level charts, placed into the record in this matter, are outdated. See Exhibit R-L. The gross and net income levels, as well as other amounts utilized in the SNAP benefits calculations, are updated every year, effective October 1st, with the current amounts being shown in DFDI 20-09-04.

Accordingly, the Initial Decision in this matter is hereby MODIFIED, the Agency's determinations are AFFIRMED, as outlined above.

Officially approved final version.

MAY 20 2021

Natasha Johnson
Assistant Commissioner

