



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 09403-20 T.S.

AGENCY DKT. NO. C023439018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's reduction of his monthly Supplemental Nutrition Assistance Program ("SNAP") benefits amount. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 10, 2020, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 19, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I hereby MODIFY the ALJ's Initial Decision, AFFIRM the Agency determination, 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).

Here, an independent review of the record shows that Petitioner's household consists of one person, and that the household's monthly gross income totals \$1,426, comprised of Petitioner's veterans' benefits. See Initial Decision at 2; see also Exhibit R-1 at 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, Petitioner's net income is reduced to \$1,259. See N.J.A.C. 10:87-6.16(b)(4); see also DFDI Instruction ("DFDI") 20-09-04 at 11. There are no medical expenses in excess of \$35. See N.J.A.C. 10:87-6.16(b)(5). Next is to determine if Petitioner receives a shelter deduction, and if so, how much. Petitioner's shelter costs are the portion of rent Petitioner actually pays, or \$299, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which equals \$847. 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 \$1,259, which is \$629.50, (\$847 - \$629.50), resulting in an excess shelter deduction of \$217.50. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions ((\$1,426 - \$167) - \$217.50), resulting in a net monthly SNAP income of \$1,041.50. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit R-1 at 3. That amount is then multiplied by .3 and rounded up, or \$313. 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 - \$313, 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 is eligible for the minimum allotment amount, which currently is \$16. See N.J.A.C. 10:87-12.6(a)(2); see also 7 CFR 273.10(e)(2)(ii)(C) and DFDI 20-09-04 at 2, 11. Based on the foregoing, I concur with the ALJ's finding that the Agency properly reduced Petitioner's monthly SNAP benefits allotment. See Initial Decision at 3; see also Exhibit R-1 at 3. The Initial Decision is modified to reflect the above analysis and findings.

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

Officially approved final version.

FEB - 4 2021

Natasha Johnson
Assistant Commissioner

