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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 **07112-23 C.S.**

AGENCY DKT. NO. **S651460012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's calculation of Petitioner's monthly Supplemental Nutrition Assistance Program ("SNAP") benefits allotment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 27, 2023, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On October 2, 2023, the ALJ issued an Initial Decision, affirming the Agency's calculations.

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 determination is AFFIRMED, based on the discussion below.

Regulatory authority applicable to SNAP benefits 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(d)(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. Further, N.J.A.C. 10:87-6.16(b) 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 applied for SNAP benefits on February 13, 2023. See Initial Decision at 2. The record further reflects that Petitioner's household is comprised of two persons, and that Petitioner's household income is comprised of unearned income in the form of Petitioner's monthly Supplemental Security Income ("SSI") benefits in the amount of \$945, and monthly Retirement, Survivors and Disability Insurance benefits in the amount of \$840, on behalf of Petitioner's minor child, for a total household monthly unearned income amount of \$1,785. *Ibid.*; see also Exhibit R-1 at 18-19, and N.J.A.C. 10:87-5.5(a)(2). The household has no earned income. See Initial Decision at 2; see also N.J.A.C. 10:87-6.16(b)(2),(3). As Petitioner's household contains a permanently disabled person, only the net income standard must be met for continued SNAP eligibility. See N.J.A.C. 10:87-6.16(d)(1); see also N.J.A.C. 10:87-2.34(b)(2) (defining a disabled household member as one who received Social Security benefits, including those under Title XVI, known as SSI benefits). After subtracting the standard deduction for a household of two people of \$193, with no proof of any excess medical deduction, Petitioner's income is reduced to \$1,592. See N.J.A.C. 10:87-6.16(b)(4), (5). Next is to determine if Petitioner receives a shelter deduction and if so, how much. Petitioner's shelter costs total \$432, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$730, for total shelter costs of \$1,162. See N.J.A.C. 10:87-6.16(b)(8); see also Exhibit R-1 at 20, and DFDI Instruction ("DFDI") 22-09-02 at 12. Subtracted from the shelter costs, \$1,162, is 50% of Petitioner's net monthly income after the above deductions, or half of \$1,592, which is \$796, resulting in an excess shelter deduction of \$366 ($\$1,162 - \$796 = \366). See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions ($(\$1,785 - \$193) - \$366.00$), resulting in a net monthly SNAP income of \$1226. See N.J.A.C. 10:87-6.16(b)(9). That amount is then multiplied by .3 and rounded up, or \$368. 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 two, $\$516 - \368 , resulting in an allotment of \$148. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also DFDI 22-09-02 at 12. This is the same amount as calculated by the Agency, as reflected on the IMFS screen in the case record, and affirmed by the ALJ in this matter. See Exhibit R-1 at 17; see also Initial Decision at 4. The Initial Decision is hereby modified to include the above explanation of the calculations used to determine Petitioner's monthly SNAP benefits allotment.

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



Officially approved final version.

October 26, 2023

Natasha Johnson

Assistant Commissioner

