



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 08331-22 D.P.

AGENCY DKT. NO. C069094001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

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 because Petitioners' 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 October 19, 2022, before the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"). That hearing was adjourned to allow the Agency to consider additional documentation submitted on behalf of Petitioner. The matter was rescheduled to January 13, 2023. On that date, during the hearing, it was made known that there was an Agency error regarding the Agency's August 3, 2022, denial notice. The matter was again adjourned, and the Agency was ordered to correct the error, and if the matter was not resolved, or rescinded by the Agency, then the parties were to appear to continue the hearing on February 10, 2023. The hearing continued on that date, and the record then closed. Thereafter, the record was reopened by Letter Order dated February 15, 2023, whereby the Agency was directed to provide clarification as to the calculations used by the Agency to determine the household's net income, by March 6, 2023. The Agency submitted same on March 1, 2023, which was marked into evidence, and the record then closed on March 6, 2023, no further submissions having been received. On March 10, 2023, 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 hereby ADOPT the Initial Decision and AFFIRM the Agency determination, 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(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.

Gross income is determined by adding together the household's monthly earned and unearned income, minus any earned income exclusions. See N.J.A.C. 10:87-6.16(b), (b)(1). That total gross income amount is then utilized to determine a household's SNAP eligibility in accordance with N.J.A.C. 10:87-6.16(d)(1) and (2).

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).

The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. Based upon an independent review of the record, I agree with the conclusions made by the ALJ in this case. See Initial Decision at 14-16. Moreover, I also agree that the Agency properly determined the household size, and that the net income calculated by Agency was also correct. Id. at 15; see also Exhibits R-1, R-6. Based on the calculated net income, Petitioner's household is over the maximum allowable net income for a household of two persons in effect at the time, \$1,452. See Initial Decision at 15; see also Exhibit R-6. As such, I also agree with the ALJ that the Agency's August 3, 2022, denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 16; see also Exhibit R-1.

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

Officially approved final version. May 30, 2023

Natasha Johnson
Assistant Commissioner

