



## State of New Jersey

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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 **02902-23 E.T.**

AGENCY DKT. NO. **C397569007 (ESSEX COUNTY DIVISION OF WELFARE)**

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, 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 May 1, 2023, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On May 31, 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 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. "Earned income" is defined, in pertinent part, as "[a]ll wages and salaries received as compensation for services performed as an employee[.]" See N.J.A.C. 10:87-5.4(a)(1).

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).

Here, the record reflects that Petitioner was to recertify for continued receipt of SNAP benefits, effective January 1, 2023, and that Petitioner's SNAP household is comprised of three persons. See Initial Decision at 2; see also Exhibit R-1. The record further shows that the Agency initially determined that Petitioner's household earned income totaled \$3,779, which exceeds the allowable maximum gross income amount for a household of three persons, \$3,551, and the Agency denied Petitioner SNAP benefits for exceeding the maximum allowable gross income amount. See Exhibit R-1 at 2-3, and DFDI 22-09-02 at 14. Thereafter, Petitioner's SNAP benefits eligibility was recalculated. See Exhibit R-1 at 1, 19. There is no indication in the record that any household member is handicapped, disabled or elderly, and as such, the household must meet the both the gross and net income tests for SNAP eligibility. See N.J.A.C. 10:87-2.34(a)(1), (2), and N.J.A.C. 10:87-6.16(d)(1), (2). The Agency determined that Petitioner's weekly earned income was \$846.46, or a monthly amount of \$3,542. See Initial Decision at 2; see also Exhibit R-1 at 10. After applying the standard deduction for a household of three people of \$193, and factoring in Petitioner's rent, together with the inclusion of the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$730, the household's net income, for SNAP eligibility purposes, was calculated to be \$2,640.60. See Exhibit R-1 at 10; see also N.J.A.C. 10:87-6.16(b) (8) and DFDI 22-09-02 at 12. The maximum allowable net income for a household of three persons, is \$1,920, and therefore, Petitioner's household did not meet the net income test for receipt of SNAP benefits. See Exhibit R-1 at 10; see also DFD Instruction ("DFDI") 22-09-02 at 13. Based on the foregoing, the ALJ found that the Agency's denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 3-4. I agree.

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



Officially approved final version.

June 27, 2023

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Natasha Johnson  
Assistant Commissioner

