



State of New Jersey

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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 **02624-23 L.R.**

AGENCY DKT. NO. **C133603011 (MERCER COUNTY BOARD OF SOC. SVCS..)**

Petitioner challenges the correctness of the Respondent Agency's calculation of Supplemental Nutrition Assistance Program ("SNAP") benefits. Petitioner's eligible monthly SNAP benefits allotment was reduced in January, 2023, due to the proper inclusion of the household's full amounts of unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic hearing was initially scheduled for April 25, 2023. On that date, an extensive pre-hearing conference was held, and the parties agreed to proceed with the plenary hearing on April 26, 2023. On April 26, 2023, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held the telephonic plenary hearing, took testimony, and admitted documents. The record was held open for the Agency to provide additional information and documentation referenced at the hearing, and then closed on May 10, 2023. On May 12, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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.

"Every NJ SNAP application shall be made on behalf of a household. It is critically important to determine exactly who constitutes the household for NJ SNAP since all considerations of eligibility will follow from this initial determination." N.J.A.C. 10:87-2.1. Further, N.J.A.C. 10:87-2.2(a) states, "A household may be composed of any of the following individuals or groups of individuals ... [a] group of individuals living together for whom food is purchased in common and for whom meals are prepared together for home consumption[.]" See N.J.A.C.10:87-2.2(a)(3).

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. 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, the record shows that the household consists of Petitioner and her husband, A.R., and the household's income is currently comprised of Petitioner's Retirement, Survivors and Disability Insurance ("RSDI") benefits of \$914, Supplemental Security Income ("SSI") benefits of \$50, and A.R.'s SSI benefits of \$945, for a total household income of \$1,910. See Initial Decision at 2. The record further reflects that, prior to Petitioner and A.R.'s marriage in December 2022, Petitioner and A.R. had maintained separate residences and had separate SNAP benefits accounts. *Ibid.* Due to scheduled increases in both RSDI and SSI payments, on December 27, 2022, the Agency advised Petitioner that the household's monthly SNAP benefits would be reduced from \$200 to \$23. *Id.* at 3; see also Exhibit R-1. The ALJ in this matter went step by step through the Agency calculations of how the \$23 monthly SNAP benefit allotment was reached. See Initial Decision at 4-6. Based on those calculations, the ALJ concluded that the Agency had properly calculated Petitioner's monthly SNAP benefits allotment. *Id.* at 6; see also Exhibit R-1 at 3. I agree. Additionally, in accordance with applicable regulatory authority, I also find that the Agency correctly treated Petitioner and her husband as one SNAP household, comprised of two persons, given that they now reside together. See N.J.A.C. 10:87-2.2(a)(3); see also Initial Decision at 3 n2.

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

Officially approved final version. June 28, 2023

Natasha Johnson
Assistant Commissioner

