



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 **05492-23 M.P.**

AGENCY DKT. NO. **S444862014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, 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 July 18, 2023, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On November 14, 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 MODIFIED 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. 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 only 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.



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).

An independent review of the record in this matter reveals that Petitioner applied for SNAP benefits, for a household of one person, on January 27, 2023. See Exhibit R-1. The record shows that Petitioner receives monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits, and that she also has earned income. Ibid. Additionally, as a result of Petitioner's age, she is considered elderly for SNAP benefits purposes, and therefore needs to meet only the net income test for SNAP benefits eligibility. See N.J.A.C. 10:87-2.34(a)(1) (defining "elderly" as an individual who is 60 years of age or older); see also N.J.A.C. 10:87-6.16(d)(1). Based on the information contained in Petitioner's application, the Agency then requested additional documentation from Petitioner to determine eligibility, including recent paystubs, a rental receipt and utility bill. See Exhibit R-2. Petitioner provided paystubs, but it does not appear, from the documentation entered into evidence, that Petitioner provided any documentation with respect to her shelter expenses. See Exhibit R-4. Based on the information and documentation provided, the Agency calculated Petitioner's net income as \$2,094, which exceeded the maximum allowable net income level of \$1,133. See Exhibit R-4; see also DFD Instruction ("DFDI") 22-09-02 at 13. Accordingly, by notice dated February 24, 2023, the Agency denied Petitioner's application for SNAP benefits. See Exhibit R-5. Having made a review of the record in this matter, including the ALJ's Initial Decision, I agree with the ALJ's ultimate conclusion that the Agency properly denied Petitioner's application for SNAP benefits as exceeding the maximum allowable net income threshold. See Initial Decision at 3-4. The Initial Decision is modified to reflect the above analysis and findings.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits, and it does appear that Petitioner has, in fact, reapplied. See Initial Decision at 3. Petitioner is reminded that she must provide the Agency with documentation required to determine eligibility, including verification of costs and expenses to be used in the eligibility calculations, such as rent and a utility allowance. See N.J.A.C. 10:87-2.19(d), (f).

By way of further comment, in accordance with applicable regulatory authority, in cases involving SNAP benefits, a fair hearing, Initial Decision, and Final Decision are all to be completed within 60 days from the receipt of an individual's request for a fair hearing. See 7 C.F.R. § 273.15(c)(1). With this time frame in mind, it should also be noted that Initial Decisions in SNAP cases are to be issued within 14 days from the date of the hearing before the ALJ. See N.J.A.C. 1:10-18.1(b).

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



Officially approved final version. November 28, 2023

Natasha Johnson
Assistant Commissioner

