



## 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 **02336-23 N.M.**

AGENCY DKT. NO. **C274963016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's calculation of Supplemental Nutrition Assistance Program ("SNAP") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 10, 2023, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), began the plenary hearing, which was continued, and concluded, on May 2, 2023, and the record then closed. During the course of the proceedings, the ALJ took testimony, and admitted documents into evidence. On May 15, 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.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87-1.1(a).

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, in January, 2023, Petitioner was advised that his monthly SNAP benefits allotment would be \$506 a month. See Initial Decision at 1. Petitioner had received SNAP benefits for several years prior, and following the notice of his new monthly SNAP benefits allotment, Petitioner challenged the calculation of that amount because he did not receive an explanation of how that amount had been reached. Id. at 2. Finding the testimony and documentary evidence presented to be credible, the ALJ issued a thorough and comprehensive Initial Decision, applying law to fact, and outlining how the current SNAP benefits allotment had been calculated. Id. at 2-3. Additionally, to address the concerns of Petitioner, that he did not understand the variations that had occurred in his monthly SNAP benefits amounts over the past several years, the Agency's Fair Hearing Liaisons explained the additional monies that had been issued during the COVID-19 pandemic to SNAP benefits households. Id. at 6-7. Based on the foregoing, the ALJ concluded that the Agency's calculations of Petitioner's current monthly SNAP benefits allotment was correct and must stand. Id. at 7. Based upon an independent review of the record, I agree.

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

Officially approved final version. July 5, 2023

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Natasha Johnson  
Assistant Commissioner

