



## 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 **04301-23 R.C.**

AGENCY DKT. NO. **C177987002 (BERGEN COUNTY BD. OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. Petitioner's eligible monthly SNAP benefits allotment was reduced due to a change in household composition. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 8, 2023, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Also on June 8, 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.

"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).

Households determined eligible for SNAP benefits are certified for said benefits for a definite period of time. See N.J.A.C. 10:87-6.20. County Welfare Agencies ("CWAs") assign the longest certification periods possible based upon the predictability of the household's circumstances. Ibid. In households which contain adult members who are all elderly or disabled, the certification period assigned is for up to 24 months, with at least one CWA contact every 12 months. Ibid.; see also N.J.A.C. 10:87-9.5(a) (stating that in households which contain all elderly or disabled adults with only unearned income, the certification period is for 24 months, with a 12-month interim contact). In such instances, an Interim



Reporting Form ("IRF") is sent to the household at the 12-month interim contact point. See N.J.A.C. 10:87-9.5(a)(3).

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 Petitioner was sent an IRF to complete on July 1, 2022. See Exhibit R-1 at 2-4. On July 26, 2022, Petitioner submitted the completed IRF form to the Agency, noting that the household composition had changed, as Petitioner's grandson was no longer residing in the household, thereby reducing the household size to two persons. *Ibid.*; see also Initial Decision at 2. As a result of the change in household size, the Agency calculated Petitioner's SNAP benefits to now be \$322, a reduction from Petitioner's prior monthly allotment of \$546. See Initial Decision at 2; see also Exhibit R-1 at 5. During the hearing before the ALJ, Petitioner admitted, under oath, that her grandson did not live her at the time she submitted her IRF, and at the time of the hearing also did not reside with her. See Initial Decision at 2. Accordingly, the ALJ concluded that the Agency's reduction of Petitioner's monthly SNAP benefits allotment was proper and must stand. *Id.* at 3.

Based on an independent review of the record, I agree that the Agency's calculation of Petitioner's net income amount of \$645, is correct, and which amount is then used to determine the correct monthly benefit allotment. Exhibit R-1 at 6-8. Additionally, for clarification, and to complete the calculation of Petitioner's monthly benefit amount, it should be noted that the net income amount of \$645 is then multiplied by .3 (30%), or \$193.5. See N.J.A.C. 10:87-12.6(a)(1). That amount is then rounded up, or \$194. *Ibid.* That amount is then subtracted from the maximum allotment for the household size of two persons, or \$516 - \$194 = \$322. *Ibid.*; see also DFDI 22-09-02 at 12. As such, I agree with the ALJ's final conclusion, and find that the Agency's determination in this matter was correct. See Initial Decision at 3. The Initial Decision is modified to reflect the above final analysis and finding.

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

Officially approved final version. July 11, 2023

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Natasha Johnson  
Assistant Commissioner

