



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 **07057-23 S.B.**

AGENCY DKT. NO. **C153147003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

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 because Petitioners' 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. A pre-hearing conference was held with the parties and the Honorable Nicole T. Minutoli, Administrative Law Judge ("ALJ") on August 23, 2023. The parties reappeared on August 30, 2023, and the ALJ held the plenary hearing, took testimony and admitted documents into evidence. The record remained open for the submission of additional information and the record then closed on September 22, 2023. On October 4, 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 hereby ADOPT the Initial Decision and AFFIRM the Agency determination, 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 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).

The ALJ in this matter issued a very thorough and comprehensive Initial Decision, carefully outlining the facts, providing a detailed calculations analysis, and applying the law to fact. See Initial Decision at 5-7. Based upon an independent review of the record, I agree with the conclusions made by the ALJ in this case. Ibid. Moreover, I also agree that the calculations clearly show that the calculated net income of \$2,901 was correct. Ibid. Based on the calculated net income, Petitioner's household is over the maximum allowable net income for a household of four persons in effect at the time, \$2,313. See Initial Decision at 7; see also Exhibit R-5 at 13. As such, I agree with the ALJ that the Agency's December 16, 2022, notice, closing Petitioner's SNAP benefits case, was proper and must stand. See Initial Decision at 8; see also Exhibit R-2.

By way of comment, during the course of the fair hearing, Petitioner maintained that updated amounts should be used in the Agency's eligibility calculations. As the ALJ properly found, those updates occurred after the closure notice was appealed in this matter, and therefore are beyond the scope of this appeal. See Initial Decision at 3, 6. However, Petitioner is without prejudice to reapply for SNAP benefits, if she has not already done so.

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

Officially approved final version. October 26, 2023

Natasha Johnson
Assistant Commissioner

