



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
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 **01779-23 S.G.**

AGENCY DKT. NO. **C055095008 (GLOUCESTER COUNTY DIV. 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. On March 24, 2023, the Honorable Kimberly M. Wilson, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 10, 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 Petitioner and her 19 year old son separately applied for SNAP benefits on August 15, 2023. See Initial Decision at 2. However, due to Petitioner's son's age, and his living in the same residence, they could not be considered as separate households, but rather, must be treated as a household of two persons. See N.J.A.C. 10:87-2.2(c)(1). Based on the applicable regulatory authority, the ALJ concluded that the Agency had properly treated Petitioner and her son as one household of two persons for SNAP purposes. See Initial Decision at 6-7. I agree.

Additionally, the record reflects that the Agency correctly calculated the monthly SNAP benefits allotment for Petitioner's household based upon the total unearned income received by the household. See Exhibit R-1 at 43-45. The total household unearned income, comprised of Social Security benefits for both Petitioner and her son, was updated in early December 2022, which resulted in a decrease in the household's SNAP allotment. Ibid. During the hearing before the ALJ, Petitioner acknowledged that the correct amounts of unearned income were utilized in the SNAP benefits calculations. See Initial Decision at 7; see also Exhibit R-1 at 41. Based on the foregoing, the ALJ also concluded that the Agency had properly calculated Petitioner's SNAP benefit allotment, effective January 1, 2023. See Initial Decision at 7; see also Exhibit R-1 at 41 – 45. I also 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. June 06, 2023

Natasha Johnson
Assistant Commissioner

