



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **01115-24 C.K.**

AGENCY DKT. NO. **C061715018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's reduction of her monthly Supplemental Nutrition Assistance Program ("SNAP") benefits allotment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 12, 2024, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 25, 2024, 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 also 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.

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).



I note that the transmittal in this case references an adverse action sent by the Agency, reducing Petitioner's SNAP benefits allotment to \$440 from \$812, effective January 1, 2024. See Exhibit R-1 at 4 (showing the IMFS screen dated December 12, 2023). I hereby take official notice that the records of this office show that Petitioner was issued SNAP benefits in the amount of \$440 on January 1, 2024. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). The records of this office further show that Petitioner was then noticed that her benefits would be increased to \$642, with a supplemental payment of \$202 made on January 2, 2024, to bring her issued allotment to that increased amount, and a further increase, later in January, back to \$812, with another supplemental payment made on January 26, 2024. See Exhibit R-1 at 2, 10 (showing the IMFS screens for dates January 2, 2024, and January 25, 2024). Finally, the records of this office further show that Petitioner was issued SNAP benefits allotments for February and March, 2024, in the amount of \$812, and then a reduction in benefits to \$373, for April, 2024. This decrease in the SNAP benefits allotment amount, appears to be due to an increase in earned income. Petitioner is advised that, when a household's income increases, while all other amounts in the SNAP benefits allotment calculation remain the same (such as shelter costs, utility allowance, standard deduction, contributions), the SNAP benefits allotment will decrease. The Initial Decision is modified to reflect these findings.

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

Officially approved final version. April 23, 2024

Natasha Johnson
Assistant Commissioner

