



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

TRENTON, NJ 08625-0716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 12201-23 M.H.

AGENCY DKT. NO. S577671012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's July 28, 2023, denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, contending that Petitioner's household 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. The hearing in this matter was initially scheduled for January 23, 2024, but was adjourned to allow Petitioner to submit additional documentation. The matter was rescheduled and on February 14, 2024, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record remained open to allow Petitioner to supplement the record and then closed. The record was reopened by the ALJ on March 20, 2024, to request additional information from the Agency, and upon receipt of same, the record closed on March 25, 2024. On April 8, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on April 12, 2024.

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.

N.J.A.C. 10:87-2.25 provides, "Households that are found to be ineligible shall be sent a notice of denial as soon as possible, but not later than 30 days following the date the application was filed."

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 only 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.



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).

Here, an independent review of the record reflects that Petitioner applied for SNAP benefits on June 28, 2023, and that Petitioner's household is comprised of one person. See Exhibit R-1. The record further reflects that Petitioner's household income is comprised of unearned income in the form of Retirement, Survivors and Disability Insurance ("RSDI") benefits. See Exhibits R-1 at 7, Exhibits R-3, R-4. Petitioner is considered disabled for SNAP benefits purposes, and therefore needs to meet only the net income test for SNAP benefits eligibility. See N.J.A.C. 10:87-2.34(a)(2); see also N.J.A.C. 10:87-6.16(d)(1). As Petitioner indicated in her application that she had monthly medical expenses, on July 12, 2023, the Agency requested proof of medical bills for the month of June, 2023, health insurance payments, pharmacy costs within the past six months, and medical bills received within the last 30 days, with submission to be made by July 28, 2023. See Exhibit R-2. It should be noted that these items were requested, and verification of same required, in order to permit a medical expense deduction in the SNAP benefits eligibility calculations. See N.J.A.C. 10:87-6.16(b)(5). However, it should further be noted that exclusion of this one expense item will not preclude an eligibility determination.

By the thirtieth day following Petitioner's application, Petitioner's RSDI income had been verified, as had Petitioner's mortgage costs, and utilities. Based on the information and documentation provided for verification, in accordance with regulatory authority, on July 28, 2023, 30 days after application, the Agency calculated Petitioner's net income as \$1,463.50, which exceeded the maximum allowable net income level for a household of one person of \$1,133. See Exhibit R-11; see also DFD Instruction ("DFDI") 22-09-02 at 13. Accordingly, by notice dated July 28, 2023, the Agency denied Petitioner's application for SNAP benefits. See Exhibit R-11.

The ALJ's reliance on N.J.A.C. 10:87-2.27(e) in the Initial Decision is misplaced, because the Agency was, in fact, able to take action on the application based on the information that had been verified, and thus there was no delay in processing in the present matter. As noted above, the verification of medical expenses, or lack thereof, did not preclude an eligibility determination in this case, as income, and shelter costs were timely verified. The burden was on Petitioner to provide the medical expense documentation by the deadline provided, which was not done, in order to have a medical expense deduction included in the eligibility calculations. Moreover, the record reflects that Petitioner did not attempt to verify medical expenses until August 30, 2023, more than a month after the deadline given. See Exhibit R-7. Based on the foregoing, I find that the Agency's July 28, 2023, denial of SNAP benefits to Petitioner was proper and must stand. See Exhibit R-11. The Initial Decision is modified to reflect the above analysis and findings.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits.

By way of further comment, the Agency is reminded that evidence not presented at the hearing shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

Also by way of comment, the Initial Decision discusses what items are allowable as medical expenses, for SNAP purposes, including alleged costs for a service dog. See Initial Decision at 4-9. However, as I agree with the Agency that any proof of possible medical expenses was not timely provided in this matter, I make no finding with respect to whether or not Petitioner's dog qualifies as a service dog under the Americans with Disabilities Act.

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



Officially approved final version. June 04, 2024

Natasha Johnson
Assistant Commissioner

