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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 11887-23 T.M.

AGENCY DKT. NO. C147268009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits and the denial of continued benefits pending the fair hearing. The Agency denied Petitioner's SNAP benefits, contending that Petitioner's countable household income exceeded the maximum permissible level for receipt of said benefits for the household size. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 31, 2024, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing and took testimony. No documents were admitted into evidence. On February 1, 2024, the ALJ issued an Initial Decision, affirming the Agency's denial of benefits, as well as the denial of continued benefits for the months of September and October, 2023.

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 following an independent review of the record, the ALJ's Initial Decision is hereby AFFIRMED, and the Agency determination is 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 benefits, 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 for eligible individuals 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 the Petitioner applied for SNAP benefits on August 3, 2023. See Initial Decision at 2. Based on documentation submitted in support of the application, the Agency determined that Petitioner's net income, for SNAP eligibility purposes, was \$1,626.80. The maximum allowable net income for Petitioner's household size of two persons was \$1,526, and as such, on August 14, 2023, the Agency denied Petitioner's application for SNAP benefits. *Ibid.*; see also DFD Instruction ("DFDI") 22-09-02 at 13. Based on the foregoing, the ALJ found that the Agency's determination to deny Petitioner's application for SNAP benefits, for exceeding the maximum net income threshold, was proper and must stand. *Ibid.*; see also Initial Decision at 4. I agree.

The record further shows that shortly on or about August 25, 2023, not long after the August 14, 2023, denial notice, Petitioner became unemployed. See Initial Decision at 2. Petitioner requested a fair hearing on the August 14, 2023, denial, and requested a continuation of benefits pending the fair hearing. *Ibid.* Petitioner did not immediately reapply for SNAP benefits, but rather, filed a new application and was found eligible for benefits effective November 1, 2023. *Id.* at 2-3.

N.J.A.C. 10:87-8.7(a) states, "If a household requests a fair hearing within 15 days of the mailing of an adverse action notice and the certification period has not expired, participation shall be continued consistent with the benefit level authorized immediately prior to the notice of adverse action unless the household specifically waives continuation of benefits." (emphasis added).

Petitioner asserts that she should have received a continuation of SNAP benefits for the months of September and October, 2023, for the period after she had lost her employment and until she was later reapplied and was approved for SNAP benefits. *Ibid.* The ALJ in this matter properly found that there were no benefits to be continued for those months, as Petitioner had not been previously determined eligible for SNAP benefits, and a new application for benefits was thus required. *Id.* at 3. I agree, and note that in accordance with the regulation cited above, there was no "[SNAP] benefit level authorized immediately prior to the notice of adverse action," meaning the August 13, 2023, denial, and therefore, Petitioner was not eligible for continued assistance, and a new application for benefits was necessary.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and the Agency's determinations are AFFIRMED, as outlined above.

Officially approved final version. February 26, 2024

Natasha Johnson
Assistant Commissioner

