



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 08716-18 M.K.

AGENCY DKT. NO. C517456002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits contending that Petitioner's countable 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. On July 11, 2018, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On July 17, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the Initial Decision in the matter, and following an independent review of the record, I hereby MODIFY the Initial Decision and AFFIRM the Agency determination, based on the discussion below.

N.J.A.C. 10:87-6.16(d)(1) states, "Households which contain an elderly or disabled member (as defined at N.J.A.C. 10:87-2.34) shall have the household's net income, as calculated in (b) above, compared to the monthly eligibility standard for the appropriate household size at N.J.A.C. 10:87-12.3 to determine eligibility[.]"

While I agree with the ALJ's ultimate conclusion that Petitioner is ineligible for SNAP benefits, as outlined below, it is due to an excess of SNAP net income, not gross income, as stated by the ALJ.

Here, the record reflects that Petitioner's SNAP household is comprised of three people, including Petitioner, Petitioner's child, and E.D., the child's mother. See Initial Decision at 2; see also Exhibit R-1 at 10-11. Although Petitioner claims that E.D. functions as a separate household, the ALJ found no evidence to support that assertion. See Initial Decision at 2, 3, 4; see also Exhibit R-1 at 8-9, and N.J.A.C. 10:87-2.2(a). I agree.



The record further shows that Petitioner receives Retirement, Survivors and Disability Insurance ("RSDI") benefits in the amount \$978 per month, and E.D. has a monthly earned income of \$4,531. See Initial Decision at 2; see also Exhibit R-1 at 3-6, 7, 10-11. When calculating a household's SNAP gross income, 80% of earned income, is added to the amount of unearned income. See N.J.A.C. 10:87-6.16(b)(1), (2). For Petitioner's household, this amount is $(\$4531 \times .80) + \978 , for a total of \$4602.80. The record further reveals that the household contains one member who is over the age of 60, and therefore considered elderly. See Exhibit R-1 at 10; see also N.J.A.C. 10:87-2.34(a)(1). As such, in accordance with N.J.A.C. 10:87-6.16(d)(1), the household's net income must be calculated. After the household's standard deduction (\$160) and the calculated shelter deduction (\$1413.60) are subtracted from the SNAP gross income, the household's SNAP net income is calculated to be \$3029.60. See Exhibit R-1 at 10; see also N.J.A.C. 10:87-6.16. The maximum allowable net income level to receive benefits for a household of three is \$1,702. See N.J.A.C. 10:87-12.3 and DFD Instruction 17-09-02 at 13. As such, I find that Petitioner is ineligible to receive SNAP benefits. The Initial Decision is modified to reflect this finding and the attendant analysis.

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

AUG 13 2018

Officially approved final version.

Natasha Johnson
Director

