



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 **02192-22 D.S.**

AGENCY DKT. NO. **C140706009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency terminated Petitioner's SNAP benefits, at recertification, because Petitioner's combined 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 April 26, 2022, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record remained open to allow Petitioner to submit documentation testified to at the hearing, and upon receipt of said documents on April 27, 2022, the record then closed. On April 28, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 ADOPTED and the Agency determination is AFFIRMED, based on the discussion below.

"Every NJ SNAP application shall be made on behalf of a household. It is critically important to determine exactly who constitutes the household for NJ SNAP since all considerations of eligibility will follow from this initial determination." N.J.A.C. 10:87-2.1. Further, N.J.A.C. 10:87-2.2(a) states, "A household may be composed of any of the following individuals or groups of individuals ... [a] group of individuals living together for whom food is purchased in common and for whom meals are prepared together for home consumption[.]"

Regulatory authority applicable to SNAP benefits 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 household'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.

Here, an independent review of the record reflects that Petitioner had been receiving SNAP benefits since 2016, and that Petitioner's SNAP household is comprised of Petitioner and his spouse. See Initial Decision at 2; see also Exhibits R6-A and R5-B. The record further shows that, at the time of recertification, the household's income was derived from Petitioner's unearned income, in the form of monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits in the amount of \$1,500, as well as earned income from his spouse, which was calculated to a monthly amount using an average from two paystubs and then multiplied by the appropriate multiplier to arrive at the monthly amount of \$1,463. See Initial Decision at 3; see also Exhibits R2-A through R5-A, and N.J.A.C. 10:87-6.9(d) (1). As Petitioner's household includes someone who is considered elderly, Petitioner's household must meet only the net income test for SNAP eligibility. See N.J.A.C. 10:87-2.34(a)(1) and N.J.A.C. 10:87-6.16(d)(1).

At the time of recertification, the maximum allowable net income level for a household of two persons was \$1,452. See DFDI Instruction ("DFDI") 21-09-01 at 14. The calculations done by the Agency at the time of recertification, reflect that, after all applicable deductions, the household's SNAP net income was calculated to be \$1,807.10, and as such, over the maximum allowable net income level for continued receipt of SNAP benefits as a household of two persons. See Exhibit R6-A; see also DFDI 21-09-01 at 14. Accordingly, by notice dated January 19, 2022, the Agency notified Petitioner that his household's SNAP benefits would be terminated effective February 1, 2022. See Exhibit R1-A. It appears that, thereafter, on January 27, 2022, Petitioner requested a fair hearing, and asked benefits to be recalculated solely for himself. See Initial Decision at 3; see also Exhibit R2-D. Then, on February 7, 2022, Petitioner revised his request for a fair hearing, indicating that he wanted a recalculation of his SNAP eligibility for a family of three. See Exhibit R3-D. On April 6, 2022, Petitioner emailed a copy of a letter, dated February 7, 2022, requesting to include Petitioner's mother in his SNAP household. See Exhibits R1B through R2-B.

The ALJ in this matter found, and the record clearly substantiates, that Petitioner had never previously reported Petitioner's "elder parent" as residing in his home. See Initial Decision at 3; see also Exhibits R4-B through R9-B. At the hearing, Petitioner tried to assert that he had "misread" the Interim Reporting Form ("IRF") and that he should have included Petitioner's elder parent in the household composition; however, the ALJ found such assertions to be questionable. See Initial Decision at 4-5. The ALJ further found that Petitioner "conveniently did not address the discrepancies in his request for calculations of his household" size in his January 27 and February 7, fair hearing requests, and as such, the ALJ concluded that the Agency had properly calculated Petitioner's continued SNAP benefits eligibility using a household size of two persons. See Initial Decision at 6; see also N.J.A.C. 10:87-2.2(a). Additionally, the ALJ concluded that Petitioner did not timely request that his SNAP benefits eligibility be calculated as a household of three persons, to include the elder parent, as the record confirms that such request, with the requisite information, was emailed to the Agency outside the appropriate 30-day timeframe following the Agency's termination of Petitioner's SNAP benefits. See Initial Decision at 6; see also Exhibit R1-B. Based on the foregoing, the ALJ concluded that the Agency had properly calculated Petitioner's SNAP benefits eligibility at recertification, and based upon those calculations, Petitioner's SNAP net income was above the maximum allowable of \$1,452 for a household of two persons, and therefore, the Agency's termination of Petitioner's SNAP benefits was proper and must stand. See Initial Decision at 6-7; see also Exhibit R1-A. I agree. Moreover, I note that, for a household of three persons,



the standard deduction remains the same amount for the household size as for two persons, and that it also appears that inclusion of the unearned income of the elder parent, which would be required to be included as household income, would still result in the household's SNAP net income exceeding the maximum allowable net income for the household size. See Exhibit R2-B and DFDI 21-09-01 at 13, 14.

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

Officially approved final version.

May 6, 2022

Natasha Johnson
Assistant Commissioner

