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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 **01451-22 H.C.**

AGENCY DKT. NO. **C163915015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and the reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that Petitioner had not begun the naturalization process. Petitioner's SNAP benefits allotment was reduced due to income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 18, 2022, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open for the submission of additional documentation by Petitioner, and then closed on March 25, 2022. On April 4, 2022, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

"An alien who meets the requirements for residency and citizenship on or after August 22, 1996, but does not initiate the naturalization process shall not be eligible to receive [WFNJ] benefits." N.J.A.C. 10:90-2.3(a)(3)(iv); see also N.J.A.C. 10:90-2.10(b).

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 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).

In the present matter, the record reflects that Petitioner has been a permanent resident of the United States since May 22, 2014. See Initial Decision at 2. Petitioner applied for WFNJ/GA and SNAP benefits on December 10, 2021. Ibid. Pursuant to applicable regulatory requirements for WFNJ eligibility, referenced above, the Agency requested that Petitioner provide proof, among other things, of having applied for citizenship. Id. at 3; see also Exhibit R-7. The record in this matter is clear that Petitioner had not initiated the naturalization process at the time of her application, and as eligibility for WFNJ benefits is contingent upon such proof, the ALJ in this case found that the Agency had correctly denied Petitioner's application for WFNJ/GA benefits. See Initial Decision at 7; see also Exhibits R-1, R-2. I agree.

With respect to the contested issue of a reduction of Petitioner's SNAP benefits allotment, the record reflects that a contribution of \$1,650 was discovered, and counted, by the Agency as unearned income after Petitioner had already been approved for SNAP benefits. See Initial Decision at 2-3; see also Exhibits R-4, R-37. The record also includes the calculations and how the Agency determined that Petitioner was eligible for the minimum amount for a household of one person, or \$20. See Exhibit R-37 at 2. These calculations show that in the final step, to determine a household's SNAP benefit allotment amount, where the net income is subtracted from the maximum allotment amount for the household size, or \$250 – \$380.70, results in a negative number. See N.J.A.C. 10:87-12.6(a)(1)(iii). However, as a household of one person, Petitioner is eligible for the minimum allotment amount, which currently is \$20. See N.J.A.C. 10:87-12.6(a)(2); see also 7 CFR 273.10(e)(2)(ii)(C) and DFD Instruction ("DFDI") at 13. Based on an independent review of the record, I agree with the Agency that the contributions were correctly included as unearned income, and that, as a result, Petitioner's monthly SNAP benefit allotment amount was properly reduced. On this basis, I agree with the ALJ's Initial Decision. However, it should be noted that during the recent pandemic, and currently continuing, households that were eligible to receive SNAP benefits of any allotment amount, have been receiving the maximum allotments for their household size via supplemental emergency allotments. This is not indefinite, however, and once the Federal and State declarations of public health emergency are lifted, those supplemental emergency allotments will cease. See DFDIs 21-02-05, 21-07-01.



By way of comment, Petitioner is without prejudice to reapply for WFNJ/GA benefits, but is reminded of the regulatory requirements, as referenced above.

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

Officially approved final version.

April 25, 2022

Natasha Johnson
Assistant Commissioner

