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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 **00028-22 M.K.**

AGENCY DKT. NO. **C079511018 (SOMERSET COUNTY BOARD OF SOC. 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 January 25, 2022, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On February 1, 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.

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'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.



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's SNAP household is comprised of Petitioner, his 16-year old son, and an 18-year old son, who attends college. See Initial Decision at 2. The record further shows that, at the time of recertification in November 2021, Petitioner was receiving monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits in the amount of \$2,225 for himself, as well as monthly RSDI benefits in the amount of \$1,112 for his younger son. *Ibid.*; see also Exhibit R-1 at 8, 24, 26. Petitioner's 18 year old son, who was initially counted as a member of the SNAP household, has earned income that was calculated to be \$1,230 per month. See Exhibit R-1 at 8, 16-19. As Petitioner's household includes someone who is considered permanently disabled, Petitioner's household must meet only the net income test for SNAP eligibility. See N.J.A.C. 10:87-2.34(a)(2) and N.J.A.C. 10:87-6.16(b)(1).

At the time of recertification, the maximum allowable net income level for a household of three persons was \$1,830. See DFDI Instruction ("DFDI") 21-09-01 at 14. The calculations done by the Agency in November 2021, are clearly outlined in the record, and reflect that, after all applicable deductions, the household's SNAP net income was calculated to be \$3,212, and as such, over the maximum allowable net income level for continued receipt of SNAP benefits as a household of three persons. See Exhibit R-1 at 8-10; see also DFDI 21-09-01 at 14. Following Petitioner's assertions that his oldest son should not be included in the SNAP household, and his earned income therefore excluded from the eligibility calculations, the record further shows that the Agency then recalculated Petitioner's eligibility using a household of two persons. See Initial Decision at 2; see also Exhibit R-1 at 33. However, the final result was the same, as Petitioner's calculated SNAP net income is still above the maximum net income allowable of \$1,452 for a household of two persons. See Exhibit R-1 at 22; see also DFDI 21-09-01.

Based on the foregoing, I agree with the ALJ's final conclusion in this matter that the Agency's termination of Petitioner's SNAP benefits at recertification was proper and must stand. See Initial Decision at 4.

By way of comment, Petitioner in this matter questioned why his SNAP benefits would terminate when his income had seemingly not changed significantly. See Initial Decision at 4. I do note, however, that a payment history in the record of Petitioner's son's RSDI indicates that in December 2020, Petitioner's son received \$556, and in July 2021, that amount increased to \$1112. See Exhibit R-1 at 26. This amount of increase would explain the reason for household's ineligibility for continued SNAP benefits, when all other amounts used in the calculation remained relatively identical.



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

Officially approved final version. February 11, 2022

Natasha Johnson
Assistant Commissioner

