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Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **15818-25 A.C.**

AGENCY DKT. NO. **C317314007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner challenges the correctness of the Respondent Agency's calculation of her monthly Supplemental Nutrition Assistance Program ("SNAP") benefits allotment, at recertification. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 16, 2025, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 17, 2025, 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 reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, 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, the record reflects that Petitioner was due for a recertification of SNAP benefits in October 2025, is a household of two persons and the household income is comprised of unearned income in the form of Retirement, Survivors and Disability Insurance ("RSDI") benefits in the combined total for Petitioner and her daughter of \$1,137 each month, as well as her daughter's monthly Supplemental Security Income ("SSI") benefits in the amount of \$870 per month. See Initial Decision at 2; see also Exhibit R-1. As Petitioner's household contains a permanently disabled person, only the net income standard must be met for continued SNAP eligibility. See N.J.A.C. 10:87-6.16(d)(1); see also N.J.A.C. 10:87-2.34(b)(2) (defining a disabled household member as one who receives Social Security disability benefits, including those under Title II, known as RSDI benefits). Petitioner had previously provided the Agency with a notarized statement, dated August 22, 2024, that her rent was \$1,700 per month, of which \$850 was contributed by her mother, who resided in the household. See Initial Decision at 2; see also Exhibit R-1. After factoring the household's total unearned income from RSDI and SSI benefits into the SNAP eligibility calculations, and including the \$850 rental contribution, the standard deduction for a household of two persons of \$209 was applied, together with the inclusion of the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$977 and shelter expenses of \$1,700, the household's net income, for SNAP eligibility purposes, was calculated to be \$1,295. See Exhibit R-1; see also N.J.A.C. 10:87-6.16(b)(8) and DFDI 25-09-02 at 12. That amount is then multiplied by .3 and rounded up, or \$389. See N.J.A.C. 10:87-12.6(a)(1)(i)-(ii). That amount is then subtracted from the maximum benefit for a household of two, \$546, resulting in an allotment amount of (\$546 - \$389) \$157. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also DFDI 25-09-02 at 12.

At the time of the hearing, Petitioner contended that her mother had moved out of the country and is no longer making a monetary contribution to the rent. See Initial Decision at 2. However, the ALJ in this matter concluded that Petitioner provided no substantiating documentation verifying that her mother no longer contributes to the rent, or that she no longer resides in the country, and as such, the Agency had properly included the contribution amount in the SNAP benefits allotment calculations. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that the Agency had properly calculated Petitioner's SNAP benefits allotment in this matter. See Initial Decision at 4. I agree, but modify the Initial Decision in this case to include the above analysis and findings.

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

Officially approved final version. December 31, 2025

Natasha Johnson
Assistant Commissioner

