



State of New Jersey

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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 **01465-25 B.V.**

AGENCY DKT. NO. **C878039007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutritional Assistance Program ("SNAP") benefits at recertification. The Agency terminated Petitioner's SNAP benefits at recertification because Petitioner's household income exceeded the maximum permissible level for continued receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The hearing was initially scheduled for April 24, 2025, at which time Petitioner requested an adjournment, which was granted. On May 13, 2025, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On May 27, 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 considered the ALJ's Initial Decision, and following an independent review of the record, the ALJ's Initial Decision is hereby MODIFIED and the Agency determination is MODIFIED, based on the discussion below.

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. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits, pension and retirement benefits for both adults and children in the household, as well as unemployment compensation. 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 only for SNAP eligibility. (emphasis added). 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 on June 5, 2024, the Agency began conducting a recertification review of Petitioner's SNAP benefits for her household, which includes Petitioner, her spouse, and their two adult children, C.R. and J.R. See Initial Decision at 2-3; see also Exhibit R-1. On June 5, 2024, the Agency attempted to reach Petitioner by telephone, however, the call was unsuccessful and the Agency left a voicemail, which Petitioner did not return. See Initial Decision at 2-3. The Agency continued with the recertification review, relying upon information from the State's DOVE database, which produced records that Petitioner's son, C.R., was in receipt of quarterly gross earnings of \$3,951.08 and that Petitioner's daughter, J.R., was in receipt of quarterly gross earnings of \$6,293.11. Ibid.; see also Exhibit R-1 at 6-7. The Agency mailed Petitioner a Request for Verification regarding the household income; however, Petitioner never responded to the request, nor provided any paystubs to verify her household's earned income. See Initial Decision at 2-3. The Agency, relying upon the DOVE income information, determined that C.R.'s earned income was \$1,317 per month and J.R.'s earned income was \$2,270 per month. Ibid.; see also Exhibit R-1 at 6-7, and N.J.A.C. 10:87-6.9(d)(1). Additionally, the Agency was aware that Petitioner received Retirement, Survivors, and Disability Insurance ("RSDI") benefits monthly, in the amount of \$3,148. See Initial Decision at 2-3; see also Exhibit R-1 at 10. 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 received Social Security benefits, including those under Title II, known as RSDI benefits) and Exhibit R-1 at 8. Using the household's earned and unearned income, and after applying the standard deduction for the household size, the Heating or Cooling Standard Utility Allowance and Petitioner's shelter costs, it was determined that the household's net income amount was \$5,322.90. See Exhibit R-1 at 8. The maximum allowable net income threshold for a household of four persons at the time of Petitioner's recertification was \$2,500. See DFDI 23-09-01 at 12. As Petitioner's calculated net income of \$5,322.90 exceeded the maximum allowable net income level of \$2,500, the Agency terminated Petitioner's SNAP benefits at recertification. See Exhibit R-1 at 8; see also DFDI 23-09-01 at 12. Based on the foregoing, I agree that the Agency's termination at recertification was proper and must stand. However, the ALJ's Initial Decision, and the Agency's determination, are both modified to reflect that it is the net income level that is applicable in this matter and not the gross income level, as stated in the Initial Decision and the Agency representative's case summary, due to the household containing an individual who is disabled, and therefore only subject to the net income test. See N.J.A.C. 10:87-6.16(d)(1); see also Exhibit R-1 at 8.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits, should her circumstances change, but must timely provide all information and documentation requested in order to determine eligibility. Petitioner is advised to communicate directly with the Agency with regards to the applications and any required documentation.

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

Officially approved final version. June 06, 2025

Natasha Johnson
Assistant Commissioner

