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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 **02166-25 E.K.**

AGENCY DKT. NO. **C118164001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits at recertification. The Agency denied Petitioner SNAP benefits at recertification, contending that 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 for a hearing. On April 11, 2025, the Honorable Kathleen M. Calemmo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On April 14, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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 AFFIRMED, 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, as well as veteran's 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 only 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 the Agency received Petitioner's recertification application for SNAP benefits on July 31, 2024, and that Petitioner's household is comprised of one person. See Exhibit R-1 at 2, 16. The record further reflects that Petitioner's household income is comprised of unearned income in the form of Retirement, Survivors and Disability Insurance ("RSDI") benefits, as well as Veteran's benefits. *Ibid.* Additionally, as a result of Petitioner's age, she is considered elderly for SNAP benefits purposes, and therefore needs to meet only the net income test for SNAP benefits eligibility. See N.J.A.C. 10:87-2.34(a)(1) (defining "elderly" as an individual who is 60 years of age or older); see also N.J.A.C. 10:87-6.16(d)(1). After adding together Petitioner's monthly RSDI benefits of \$1,444 and monthly Veteran's benefits of \$1,955, for an unearned income total of \$3,399, and after applying the standard deduction for the household size applicable at the time of \$198, the Agency calculated Petitioner's net income as \$3,201, which exceeded the maximum allowable net income level for a household of one person of \$1,215. See DFD Instruction ("DFDI") 23-09-01 at 12. Accordingly, the Agency denied Petitioner's recertification application on August 1, 2024. See Initial Decision at 3. Additionally, the record reflects that Petitioner reapplied for SNAP benefits on December 13, 2024, and added her adult son to the household, who did not have any income, either earned or unearned. See Exhibit R-1 at 16. That application was denied on January 31, 2025, for failure to provide information. *Id.* at 1. While that denial is not the basis of the present appeal, nonetheless, as stated by the ALJ, the current maximum allowable net income thresholds for households of one, or two person households are \$1,255 and \$1,704 respectively. See DFDI 24-10-04 at 13. Having made a review of the record in this matter, including the ALJ's Initial Decision, I agree with the ALJ's ultimate conclusion that the Agency properly denied Petitioner's application for SNAP benefits as exceeding the maximum allowable net income threshold. See Initial Decision at 4. The Initial Decision is modified to reflect the applicable standard deduction and maximum net income thresholds in effect at the time of the Petitioner's recertification application.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits.

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

Officially approved final version. April 24, 2025

Natasha Johnson
Assistant Commissioner

