



## State of New Jersey

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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 **10371-24 Q.S.**

AGENCY DKT. NO. **C357394007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner challenges the correctness of the Respondent Agency's calculation of her monthly Supplemental Nutrition Assistance Program ("SNAP") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 19, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On January 7, 2025, 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 ADOPTED, 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 for both adults and children in the household, and also includes 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. N.J.A.C. 10:87-6.16 outlines the procedures used to calculate net income and benefit levels for SNAP recipients. 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. 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 reveals that at the time of Petitioner's recertification for SNAP benefits, the household had unearned income from Petitioner's Supplemental Security Insurance ("SSI") benefits of \$974, as well Petitioner's daughter's receipt of her father's disability payment in the amount of \$1,423. See Initial Decision at 2; see also Exhibit R-1. In calculating Petitioner's monthly SNAP benefits allotment, Petitioner's rental costs of \$557, as well as the full Heating and Cooling Standard Utility Allowance ("HCSUA"), were factored into the calculations, and Petitioner was determined to be eligible for \$23 in monthly SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at "IMFS" screen. However, Petitioner receives a total monthly SNAP allotment of \$95 per month, as the minimum SNAP benefit allotment was raised to that amount due to a change in State law. See Initial Decision at 2; see also N.J.A.C. 10:87-13.1 et seq. Petitioner maintained that her daughter's father is the payee of the disability benefits and provides the financial assistance, and that it does not come directly from the State, which should result in a higher amount of SNAP benefits for her household. See Initial Decision at 2. The ALJ concluded, contrary to Petitioner's assertions, that the Agency had properly calculated her SNAP benefits allotment and the record substantiates that Petitioner is, in fact, receiving a total of \$95 of SNAP benefits per month. See Initial Decision at 3-4; see also Exhibit R-1. Moreover, I find that the monies paid to the household on behalf of Petitioner's daughter constitute income which must be included in the SNAP benefits calculations. See N.J.A.C. 10:87-5.3, -5.5(a)(2). Based on the foregoing, the ALJ concluded that the Agency's calculations of Petitioner's monthly SNAP benefits allotment were correct and must stand. See Initial Decision at 3. Based upon an independent review of the record, I agree.

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

Officially approved final version. January 17, 2025

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Natasha Johnson  
Assistant Commissioner

