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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 **10960-26 I.B.**

AGENCY DKT. NO. **C062527006 (CUMBERLAND COUNTY BD OF SOC SVCS.)**

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, contending that Petitioner's countable 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 ("OAL") for a hearing. On August 5, 2026, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. At the conclusion of the hearing, the ALJ requested that the Agency submit a copy of Petitioner's May recertification application, and upon submission of same, the record was closed on August 7, 2026. On August 12, 2026, 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 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. "Earned income" is defined, in pertinent part, as "[a]ll wages and salaries received as compensation for services performed as an employee[.]" See N.J.A.C. 10:87-5.4(a)(1). 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(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 on May 14, 2026, Petitioner completed his SNAP recertification application. See Initial Decision at 3; see also Exhibit R-2. As a result of Petitioner's age, as well as that of his household member, S.S., he 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).

Petitioner's household income includes unearned income in the form of Retirement, Survivors and Disability Insurance ("RSDI") benefits in the amount of \$1,087, for himself, each month, and earned income for S.S. See Initial Decision at 3; see also Exhibit R-1 at 13. Following the submission of the recertification application, S.S. submitted two bi-weekly paystubs from her employer, which the Agency used to calculate her average monthly gross earned income from her employer, which was then multiplied by 2.167 to determine that Petitioner's monthly earned income from employment was \$4,069. See Initial Decision at 3; see also Exhibit R-1 at 11-12 and N.J.A.C. 10:87-6.9(d)(1).

Based on the household's total gross income, and then the application of appropriate deductions for shelter, utilities, and medical expenses, the Agency calculated the total monthly net income of the household to be \$4,065.80. See Initial Decision at 3; see also Exhibit R-1 at 6-7, 10. Such amount exceeded the maximum allowable net income level for a household of two persons, which at the time of Petitioner's recertification was \$1,763, and, accordingly, the Agency denied Petitioner's recertification application. See Initial Decision at 3-4; see also Exhibit R-1 at 2, and DFD Instruction 25-09-02 at 13. Based on the foregoing, the ALJ found that the Agency's denial of SNAP benefits at recertification to Petitioner was proper and must stand. See Initial Decision at 5-7. I agree.

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

Officially approved final version. September 03, 2026

Natasha Johnson
Assistant Commissioner

