



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

AMENDED DECISION

OAL DKT. NO. HPW 20609-25 P.P.

AGENCY DKT. NO. **C104840001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

A Final Agency Decision ("FAD") was issued in this matter on February 19, 2026. This Amended FAD is being issued to recognize receipt of Exceptions filed by the Petitioner, but not received, nor reviewed, by this office prior to the issuance of the FAD in this case.

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits 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 for a hearing. On January 5, 2026, the Honorable William T. Cooper III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On January 25, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner, via an email, which was forwarded by the Agency's representative to the Division of Family Development's Bureau of Administrative Reviews and Appeals on March 5, 2026.

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, I hereby ADOPT the Initial Decision, and AFFIRM the Agency's determination, 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 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 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 is a household of one person and the household's income is comprised of unearned income in the form of Retirement, Survivors and Disability Insurance ("RSDI") benefits. See Initial Decision at 2; see also Exhibit R-1. As Petitioner's household contains a 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). On or about November 11 and 18, 2025, Petitioner submitted an application and an Interim Reporting Form ("IRF"), respectively, and provided receipts of \$2,400 payments to a Limited Liability Company ("LLC") as proof of payments for shelter expenses. See Initial Decision at 2; see also Exhibit R-1. Upon review of the payment receipts, on December 9, 2025, the Agency requested any written agreement, such as a lease or contract, from Petitioner in order to verify that the payments made were for shelter costs. See Initial Decision at 2-3.

The Agency, unable to substantiate the shelter costs for Petitioner and therefore include a deduction in the eligibility calculations for same, processed the IRF and determined Petitioner's net monthly income to be \$2,039, an amount which exceeded the net income threshold for receipt of benefits, for a household of one, of \$1,305. See Initial Decision at 3; see also DFD Instruction ("DFDI") 25-09-02 at 13. Based on the foregoing, the ALJ in this matter concluded that the Agency had properly calculated the net income for Petitioner's household, and the Agency's denial of SNAP benefits to Petitioner in this matter was proper and must stand. See Initial Decision at 3-4. I agree.

Additionally, following presentation of testimonial and documentary evidence in this case, the ALJ concluded that Petitioner had not provided the requested information required to be verified in order to include shelter expenses in the SNAP benefits eligibility calculations, and as such, the Agency had properly excluded any shelter expenses in the SNAP benefits eligibility calculations. See Initial Decision at 4; see also N.J.A.C. 10:87-2.14, -2.19, -2.20. I also agree.

By way of comment, Petitioner did not properly submit his Exceptions to DFD in this matter as directed in the Initial Decision. See Initial Decision at 5. It is neither the Office of Administrative Law, nor the Agency's fair hearing liaison's responsibility to forward such Exceptions to DFD. Further, Petitioner is advised that if there is a pending Federal court matter, that Petitioner is responsible for the filing of any relevant documents directly with the Federal court. Reference to a federal court filing within the body of the email including Exceptions does not bestow upon any recipient of such email the responsibility to disseminate such Exceptions to any other party in other pending litigation in other forums. Although improperly submitted, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

By way of additional comment, Petitioner is without prejudice to reapply for SNAP benefits, if he has not already done so, 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 application and any required documentation.

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

Officially approved final version. March 12, 2026

Natasha Johnson
Assistant Commissioner

