



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 **04090-26 T.J.**

AGENCY DKT. NO. **C451685004 (CAMDEN-CCBSS)**

Petitioner challenges the correctness of the Respondent Agency's calculation of Petitioner's monthly Supplemental Nutrition Assistance Program ("SNAP") benefits allotment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 20, 2026, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On August 5, 2026, the ALJ issued an Initial Decision, affirming the Agency's calculations.

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 AFFIRMED, based on the discussion below.

Regulatory authority applicable to SNAP benefits 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. See N.J.A.C. 10:87-5.5(a)(2).

N.J.A.C. 10:87-6.16(b) 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, Petitioner has a household of three persons, including herself and two minor children, and the household's income is comprised of earned income, as well as child support. See Initial Decision at 2. On May 10, 2026, the Social Security Administration issued notification that, beginning in December 2025, T.W., a minor child who resides in the household, began to receive social security benefits (Retirement, Survivors, and Disability Insurance ("RSDI")) in the amount of \$1,058.20 monthly. Ibid.; see also Exhibit P-1. The notification was sent to T.W.'s father, who resides at a different address than T.W., on behalf of T.W. Ibid.

At the time of the hearing, Petitioner testified that the benefits assigned to her minor child, T.W., are received directly by the child's father, that she does not receive any of the funds and therefore, such funds should not be included as part of her household income when determining the correct amount of SNAP benefits for her household. See Initial Decision at 3. The Agency representative testified that Petitioner was given the appropriate deductions for earned income, shelter, and utility costs but that the social security benefits payments on T.W.'s behalf were not excluded, as the payments were intended for T.W. and should be considered household income. Ibid.

The ALJ found that household income is defined as income from all sources, unless such income is specifically excluded, and that social security benefits are considered unearned income for purposes of SNAP. See Initial Decision at 4; see also N.J.A.C. 10:87-5.3, -5.5(a)(2). In this instance, the social security benefits are issued on behalf of a minor child to her father, who does not reside in the same household as Petitioner. See Initial Decision at 4. N.J.A.C. 10:87-5.9 does not allow an exclusion for social security benefits payments under the circumstances presented where the representative payee resides outside of the household. See Initial Decision at 5. In this instance, Petitioner would need to prove that she is not in receipt of any portion of the social security benefits paid on behalf of the minor child, such that no amount of those funds are expended on the minor child, in order for the amount included in the SNAP benefits calculation to be reduced or eliminated. Such verification may lead the Agency to conclude that the money is used for the care and maintenance of a third-party beneficiary and is excluded as income pursuant to N.J.A.C. 10:87-5.9(a)(11).

Based on the record presented, the ALJ in this matter concluded that the Agency had properly calculated Petitioner's SNAP benefits allotment. See Initial Decision at 6-7; see also Exhibit R-1. I agree, however, the Initial Decision in this case is modified to include the above analysis and findings.

By way of comment, if Petitioner contends that none of the RSDI funds sent to T.W.'s father are being used for care of the child, Petitioner should pursue that issue, and the possibility of having the payee changed, with Social Security.

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

Officially approved final version. September 24, 2026

Natasha Johnson
Assistant Commissioner

