



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 13592-14 R.B.

AGENCY DKT. NO. C075409 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of his application for Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency denied Petitioner's application for SNAP benefits as it contended that Petitioner's countable income exceeded the maximum permissible income level for receipt of benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 14, 2014, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On December 12, 2014, the ALJ issued his Initial Decision, affirming the Agency's determination. The ALJ found that the credible evidence presented in the matter substantiated the Agency's position that Petitioner's countable income exceeded the applicable threshold limit for receipt of benefits, thereby rendering Petitioner ineligible for benefits. See Initial Decision at 2.

An exception to the Initial Decision was received from the Petitioner by the Division of Family Development on December 30, 2014.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and the exceptions submitted and following an independent review of the record, I hereby ADOPT the Initial Decision and AFFIRM the Agency's action.

The record in this matter reveals that Petitioner receives payments from Retirement, Survivors and Disability Insurance ("RSDI"), and additional monies on behalf of one of his children. See Initial Decision at 2. N.J.A.C. 10:87-5.1(a) dictates that "Households that contain an elderly or disabled member shall meet the net income eligibility standards in N.J.A.C. 10:87-12.3." N.J.A.C. 10:87-12.3 directs that we refer to the net income standards as outlined in the Federal Register and effective October 1 of each year. The Maximum Allowable Net Income for a household of four at the time of Petitioner's application was \$1,963. Petitioner's calculated net income, as shown in the record at Exhibit R-1, is \$2,370, which clearly exceeds the permissible maximum net income amount. By way of independent calculation however, I find that the Petitioner's calculated net income in this matter to be \$2,372, which obviously is still in excess of the permissible maximum net income amount of \$1,963.

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 net income for SNAP purposes is determined by totaling all countable earned and unearned income and then subtracting all allowable income exclusions and deductions. This net income is then compared to the table outlined at N.J.A.C. 10:87-12.3 to determine the amount of SNAP benefits that the Petitioner is entitled to receive.

Here, in accordance with N.J.A.C. 10:87-6.16, the record shows that the Petitioner received an average of \$1,765 in monthly RSDI benefits and \$770 in additional monies on behalf of a child in the household, totaling \$2,535 in monthly household income. To calculate the net income for SNAP purposes, the standard deduction of \$163 is applied to Petitioner's unearned income, which brings his income down to \$2,372. The Petitioner was then evaluated for a shelter deduction. Such a deduction is permitted when the individual's allowable shelter costs exceed 50% of their countable income. Here, the Petitioner was given the Heating/Cooling Standard Utility Allowance of \$454 towards his shelter deduction plus \$323 which he reportedly pays monthly for his rent or mortgage, totaling \$777 per month in shelter costs. See R-1. The Petitioner's income of \$2,372 is then divided in half, which equals \$1,186. Because \$1,186 exceeds the shelter costs of \$777, no excess shelter deduction applies. As such, the Petitioner's net income for SNAP purposes is \$2,372. Tables at N.J.A.C. 10:87-12.3 indicate that at the time of the application, a household size of four (4) with a net income of \$2,372 would not be entitled to a SNAP benefit because the maximum net income for that household size is \$1,963.

By way of comment, it appears that the Agency derived at the calculated net income of \$2,170 in error by using the Standard Deduction of \$165 which is the new allowance effective October 1, 2014. As indicated above, the Heating/Cooling Standard Utility Allowance at the time of the application was \$163.

Based upon the above calculations, the Initial Decision in this matter is hereby

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ADOPTED and the Agency's determination is AFFIRMED.

Signed Copy on File
at DFD, BARA

DEC 31 2014

Jeanette Page-Hawkins
Director