



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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Assistant Commissioner

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 **07266-24 J.D.**

AGENCY DKT. NO. **C186177003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of his application for Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, contending that Petitioner's 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 June 18, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On June 25, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

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 shows that Petitioner filed an application for SNAP benefits for a household of three on January 29, 2024. See Initial Decision at 2; see also Exhibit R-1. Based on the information contained in the application, indicating that no one in the household was working or receiving income, the Agency approved Petitioner for expedited SNAP benefits. Ibid. Thereafter, a systems generated report showed that Petitioner had earned income for all four quarters in 2023, and as a result, on February 5, 2024, the Agency sent Petitioner a Request for Verification to Petitioner, seeking documentation from Petitioner with respect to his separation from Amazon, the day he last worked, when he was paid, and a copy of his lease, among other requested information. Ibid. In response, Petitioner submitted recent paystubs and, using the information in the paystubs, the Agency then calculated Petitioner's SNAP benefits eligibility. See Initial Decision at 3. Through the calculations, it was determined that, while the calculated household gross income was below the maximum allowable income threshold, the calculated net income, after providing for the standard deduction, utility credit with the reported rent of \$600, exceeded the maximum allowable net income threshold of \$2,072. Ibid.; see also DFDI 23-09-01 at 12. The Agency then sent Petitioner notifications on April 18, and 19, 2024, advising that Petitioner's January 29, 2024, application for SNAP benefits was denied. Ibid. Based on the testimony and documentary evidence presented in this matter, the ALJ issued a thorough and comprehensive Initial Decision, applying law to fact, and outlining how the SNAP benefits allotment had been calculated. See Initial Decision at 4-7. While Petitioner maintained that the incorrect amount had been utilized, Petitioner did not provide a copy of the lease to the Agency until a week before the hearing, nor did Petitioner submit a copy of the lease as an exhibit in the case. Id. at 7. Based on the foregoing, the ALJ concluded that the Agency's calculations of Petitioner's net income, for SNAP benefits eligibility, were correct and must stand. Id. at 7-8. Based upon an independent review of the record, I agree.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits, if he has not already done so, and is advised to include proof of his correct income and monthly rent for determining SNAP benefits eligibility. Id. at 7.

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

Officially approved final version. July 17, 2024

Natasha Johnson
Assistant Commissioner

