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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 04383-21 E.A.

AGENCY DKT. NO. S431474014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner challenges the correctness of the Respondent Agency's calculation of her monthly Supplemental Nutrition Assistance Program ("SNAP") benefits amount. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On June 22, 2021, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. In August, 2021, the case was inadvertently marked as a Failure to Appear. See Initial Decision at 2. After Petitioner advised OAL of the mistake, the matter was reopened, and attempts were made to allow Petitioner to supplement the record to address various concerns raised by Petitioner following conclusion of the hearing. No further response having been received, on September 20, 2021, 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 record in this matter and the ALJ's Initial Decision and I hereby MODIFY the ALJ's Initial Decision, AFFIRM the Agency determination, based on the discussion below.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87-1.1(a).

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, as well as child support or alimony payments made directly to the household from non-household members. See N.J.A.C. 10:87-5.5(a)(2), (5).

In order to determine an applicant's eligibility for SNAP benefits, 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 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.

Gross income is determined by adding together the household's monthly earned and unearned income, minus any earned income exclusions. See N.J.A.C. 10:87-6.16(b), (b)(1). That total gross income amount is then utilized to determine a household's SNAP eligibility in accordance with N.J.A.C. 10:87-6.16(d)(1) and (2).

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, an independent review of the record shows that Petitioner's household consists of one person, and that the household's monthly gross income totals \$1,246, comprised of Petitioner's Retirement, Survivors and Disability Insurance ("RSDI") benefits. See Initial Decision at 3 4; see also Exhibit R-1 at "Dove Detail Report," and N.J.A.C. 10:87-5.5(a)(2) and -6.16(b)(3). The household has no monthly earned income. See N.J.A.C. 10:87-6.16(b)(2). Petitioner is deemed disabled for SNAP purposes, and must therefore only meet the net income test for SNAP eligibility. See N.J.A.C. 10:87-2.34 and N.J.A.C. 10:87-6.16(d)(1). After subtracting the standard deduction of \$167 for a household of one, Petitioner's income is reduced to \$1,079. See N.J.A.C. 10:87-6.16(b)(4); see also DFDI Instruction ("DFDI") 20-09-04 at 11. While Petitioner maintained that expenses for eyeglasses, purchased in 2019, and other medical costs should be included in her SNAP calculations, the Agency disallowed these costs, as either too remote in time, or inapplicable under current State directives. See Initial Decision at 4, 5; see also N.J.A.C. 10:87-6.12. As such, there are no allowable medical expenses in excess of \$35 in this matter. See N.J.A.C. 10:87-6.16(b)(5). Next, is to determine if Petitioner receives a shelter deduction and if so, how much. Petitioner's shelter costs are the portion of rent Petitioner pays or \$350, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which equals \$898.00. See N.J.A.C. 10:87-6.16(b)(8); see also DFDI 20-09-04 at 11. Subtracted from that amount is 50% of Petitioner's income after the above deductions, or half of \$1,079, which is \$539.50, (\$898 - \$539.50), resulting in an excess shelter deduction of \$358.50. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions ((\$1,246 - \$167) - \$358.50), resulting in a net monthly SNAP income of \$720.50. See N.J.A.C. 10:87-6.16(b)(9). That amount is then multiplied by .3 and rounded up, or \$217. See N.J.A.C. 10:87-12.6(a)(1)(i)-(ii). That amount is then subtracted from the maximum benefit for a household of one, \$234 - \$217, resulting in an amount of \$17. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also DFDI 20-09-04 at 11. However, as a household of one person, Petitioner is eligible for the minimum allotment amount, which currently is \$19. See N.J.A.C. 10:87-12.6(a)(2);



see also 7 CFR 273.10(e)(2)(ii)(C) and DFDI 20-09-04 at 2, 11. Based on the foregoing, I concur with the ALJ's finding that the Agency properly calculated Petitioner's monthly SNAP benefits allotment. See Initial Decision at 5; see also Exhibit R-1 at April 21, 2021, Adverse Action Notice. The Initial Decision is modified to include the above analysis and findings. Additionally, I agree with the ALJ's conclusion that the Agency had properly disallowed Petitioner's asserted medical expenses. See Initial Decision at 5.

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

Officially approved final version.

OCT - 7 2021

Natasha Johnson
Assistant Commissioner

