



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 07126-21 G.G.

AGENCY DKT. NO. C187823004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's 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 September 13, 2021, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On September 15, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 ADOPTED, and the Agency determination is also 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. Earned income includes "all 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, 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 reflects that Petitioner's SNAP household is comprised of Petitioner, her 18-year old son, and two minor children. See Initial Decision at 2; see also Exhibit R-1 at 3. The record further reflects that Petitioner receives Supplemental Security Income ("SSI") benefits for herself, in the amount of \$825 per month, as well as Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits for her two minor children in the amount of \$425, for a household total of \$1,250 in unearned income. See Initial Decision at 2; see also Exhibit R-1 at 13. Petitioner's 18 year old son, who is a member of the SNAP household, has earned income that was calculated to be \$2,146 per month. See Initial Decision at 3; see also Exhibit R-1 at 9. As Petitioner's household includes someone who is considered permanently disabled, due to receipt of SSI benefits, Petitioner's household must meet only the net income test for SNAP eligibility. See N.J.A.C. 10:87-2.34(a)(2) and N.J.A.C. 10:87-6.16(b)(1).

Continuing with the calculations to determine the household's net income for SNAP eligibility, 80 percent of the household's earned income is \$1,716.80, which is then added to the household's unearned income of \$1,250, bringing the household's combined income to \$2,966.80. See N.J.A.C. 10:87-6.16(b)(2),(3). After subtracting the standard deduction of \$181 for a household of four persons, Petitioner's household income is reduced to \$2,785.80. See N.J.A.C. 10:87-6.16(b)(4); see also DFDI Instruction ("DFDI") 20-09-04 at 11. The record does not show any medical expense deduction. See Exhibit R-1 at 7. Next is to determine if Petitioner receives a shelter deduction, and if so, how much. Petitioner's shelter costs are \$227, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548, which total \$775. 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 \$2,785.80, which is \$1,392.90, (\$778 - \$1,392.90), resulting in a negative number, and therefore, no excess shelter deduction is given in this case, and a zero amount is used in the remaining calculations. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions (((\$2,966.80 - \$181) - \$0), resulting in a net monthly SNAP income of \$2,785.80. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit



R-1 at 6, 7. For SNAP benefits eligibility, the maximum net income level for a household of four persons is \$2,184. See DFDI 20-09-04 at 12. As Petitioner's calculated net income of \$2,785.80 exceeds the maximum net income eligibility amount of \$2,184, Petitioner is not eligible for SNAP benefits. Ibid. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's SNAP benefits was proper and must stand. See Initial Decision at 7; see also Exhibit R-1 at 1. I agree.

Further, while Petitioner maintained that her 18-year old son's income should not be included in the SNAP eligibility calculations, because she is disabled, the ALJ correctly found that, as the son resides in the household, his earned income must be included in the SNAP eligibility calculations, in accordance with applicable regulatory authority. See Initial Decision at 4-5, 6-7; see also N.J.A.C. 10:87-5.4(a) (1). I also agree.

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

Officially approved final version.

OCT 12 2021

Natasha Johnson
Assistant Commissioner

