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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 **07100-24 A.L.**

AGENCY DKT. NO. **C098035020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's calculation of her monthly Supplemental Nutrition Assistance Program ("SNAP") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 22, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On November 6, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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 a recertification application for SNAP benefits which was initially denied by the Agency for failure to verify necessary information; however, after receipt of such information the Agency proceeded to process Petitioner's application and determined she was eligible for monthly SNAP benefits in the amount of \$23. See Initial Decision at 2; see also Exhibit R-1. The Agency representative testified, and the record reveals, that Petitioner has income from a rental property, unearned income from Retirement, Survivors, and Disability Insurance ("RSDI") benefits in the amount of \$1,134 per month, and a pension income of \$26 per month. Ibid. The record further shows that Petitioner received the full Heating or Cooling Standard Utility Allowance in the SNAP benefits allotment calculations, together with the standard deduction for her household size, and a shelter deduction, in order to determine a total net income for SNAP purposes, which resulted in Petitioner's SNAP benefits allotment being \$23. Ibid. However, Petitioner receives a total SNAP allotment of \$95 per month, as the minimum SNAP benefit allotment was raised to that amount due to a change in State law. See Initial Decision at 3; see also N.J.A.C. 10:87-13.1 et seq. The ALJ concluded that, contrary to Petitioner's assertions, the Agency had properly calculated her SNAP benefits and the record substantiates that Petitioner is, in fact, receiving a total of \$95 of SNAP benefits per month. See Initial Decision at 3-4; see also Exhibit R-1. Based on the foregoing, the ALJ concluded that the Agency's calculations of Petitioner's monthly SNAP benefits allotment were correct and must stand. See Initial Decision at 4. Based upon an independent review of the record, I agree.

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

Officially approved final version. November 26, 2024

Natasha Johnson
Assistant Commissioner

