



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
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 00408-20 B.P.

AGENCY DKT. NO. S573273009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner challenges the correctness of Respondent Agency's calculation of his monthly Supplemental Nutrition Assistance Program ("SNAP") benefit amount. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A plenary hearing was initially scheduled for January 29, 2020, but was adjourned. The matter was rescheduled, and on February 27, 2020, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 31, 2020, the ALJ issued an Initial Decision, affirming the Agency's calculation of Petitioner's monthly SNAP benefit amount.

No Exceptions to this 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.

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). 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).

With respect to the present matter, I hereby take official notice that the records of this office indicate that the Agency utilized the following information to determine Petitioner's monthly SNAP benefit amount of \$104. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Petitioner's household consists of two people, over the age of 60, and that the household's monthly gross income is comprised of the household's combined Supplemental Security Income ("SSI") benefits in the combined amount of \$758, as well as the household's combined Retirement, Survivors and Disability Insurance ("RSDI") benefits in the amount of \$332, for a total gross income amount of \$1090. See N.J.A.C. 10:87-5.5(a)(2) and -6.16(b)(3); see also Initial Decision at 2. The record reflects that the household has no net monthly earned income. See N.J.A.C. 10:87-6.16(b)(2). After subtracting the standard deduction of \$167 for a household of two, with no excess medical deduction being indicated, Petitioner's income is reduced to \$923. See N.J.A.C. 10:87-6.16(b)(4), (5); see also DFD Instruction ("DFDI") 19-09-01 at 11. Next, is to determine if Petitioner receives a shelter deduction and if so, how much. The record indicates that Petitioner pays no rent, but was given the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$548. See Initial Decision at 3; see also N.J.A.C. 10:87-6.16(b)(8) and DFDI 19-09-01 at 11. Subtracted from that amount is 50% of Petitioner's net income after the above deductions, or half of \$923.00, which is \$461.50, (\$548 - 461.50), resulting in the amount of \$86.50. See N.J.A.C. 10:87-6.16(b)(8). This is the amount of Petitioner's shelter deduction. This amount is then subtracted from Petitioner's income minus the deductions $((\$1090 - \$167) - \$86.50)$, resulting in a net monthly SNAP income of \$836.50. Ibid. That amount is then multiplied by .3 and rounded up, or \$251. 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 two, \$355 - \$251, or \$104. See N.J.A.C. 10:87-12.6(a)(1)(iii). Thus, \$104 is the correct monthly SNAP benefits amount. Based on the foregoing, I concur with the ALJ, that the Agency's calculation of Petitioner's SNAP benefits was correct, and must stand. See Initial Decision at 3-4; see also N.J.A.C. 10:87-6.16.

By way of comment, it should be noted that even using the uncorroborated total household gross income amount of \$1071, as contained in the ALJ's Initial Decision, in the calculations above, would only result in a small increase of SNAP benefits of \$8 (\$112 total). However, if Petitioner contends that the Agency utilized incorrect amounts in the calculations, Petitioner should contact the Agency to discuss, together with any substantiating documentation to support Petitioner's contention.

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

Officially approved final version.

APR 16 2020

Natasha Johnson
Assistant Commissioner

