



## State of New Jersey

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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 **09955-24 B.M.**

AGENCY DKT. NO. **C008902007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner 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 December 3, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On January 7, 2025, 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 MODIFIED and the Agency determination is AFFIRMED, based on the discussion below.

N.J.A.C. 10:87-8.5 states, "A household may request a hearing on any action by the [Agency] or loss of benefits which occurred in the prior 90 days."

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, pension and retirement benefits for both adults and children in the household. 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. 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 only 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.

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).

At the outset, the exhibits provided by the Petitioner in this matter, and a portion of the Initial Decision in this matter, reference an initial approval, then a subsequent denial of SNAP benefits by the Agency in July, 2022. See Exhibit P-1; see also Initial Decision at 2. I take official notice of the fact that the records of this office show that Petitioner did not request a fair hearing on that denial. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Therefore, in accordance with applicable regulatory authority, I find that any consideration or appeal from that July, 2022, adverse action is now out-of-time and improper. See N.J.A.C. 10:87-8.5. The Initial Decision is modified to reflect this finding.

An independent review of the record in this matter reveals that Petitioner applied for SNAP benefits, for a household of one person, in May 2024. See Exhibit R-1. The Agency case notes in the record indicate that the Agency did a home visit to Petitioner on May 14, 2024, at which time Petitioner provided identification and a copy of her lease. Ibid. The record further shows that Petitioner receives monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits in the amount of \$1,332, as well as a pension in the amount of \$1,460. See Exhibit R-1 at "IMFS" screen. Additionally, as a result of Petitioner's age, she is considered elderly for SNAP benefits purposes, and therefore needs to meet only the net income test for SNAP benefits eligibility. See N.J.A.C. 10:87-2.34(a)(1) (defining "elderly" as an individual who is 60 years of age or older); see also N.J.A.C. 10:87-6.16(d)(1). The record also indicates that, in addition to the standard deduction, a medical deduction was also given, as well as a shelter expense of \$764, and the full Heating and Cooling Standard Utility Allowance. Ibid. Based on the information and documentation provided, the Agency calculated Petitioner's net income, for SNAP eligibility purposes, as \$2,045, which exceeded the maximum allowable net income level, for a one-person household, of \$1,215. See DFD Instruction ("DFDI") 23-09-01 at 12. Having reviewed the record in this matter, including the ALJ's Initial Decision, I agree with the ALJ's ultimate conclusion that the Agency properly denied Petitioner's application for SNAP benefits as exceeding the maximum allowable net income threshold. See Initial Decision at 4. The Initial Decision is further modified to reflect the above analysis and findings.

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

Officially approved final version. January 17, 2025

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Natasha Johnson  
Assistant Commissioner

