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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **17865-24 H.S.**

AGENCY DKT. NO. **S618441012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutritional Assistance Program ("SNAP"). 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 ("OAL") for a hearing. On January 31, 2025, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. The record was then held open to permit Petitioner to submit additional documentation and was closed on February 11, 2025. On February 19, 2025, the ALJ reopened the record to request additional information from the Agency, and following receipt of the requested information, the record was again closed on that date. On February 25, 2025, 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 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, pension and retirement benefits for both adults and children in the household, as well as 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. 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).

Here, the record reflects that Petitioner, who is considered disabled for SNAP benefits purposes, was receiving SNAP benefits when, on October 24, 2024, the Agency was informed that she was receiving new Unemployment Insurance Benefits ("UIB"). See Initial Decision at 2; see also Exhibit R-2 and N.J.A.C. 10:87-2.34(a)(1). Upon receipt of this information, the Agency proceeded to review her household's income and determined Petitioner received \$1,223 monthly from Retirement, Survivors, and Disability Insurance ("RSDI"), \$2,535 monthly from UIB, and an average of \$572 in child support. Id. at 2; see also Exhibits R-3, R-6. As a result of Petitioner being disabled, her household needs to meet only the net income test for SNAP benefits eligibility. See N.J.A.C. 10:87-2.34(a)(1), -6.16(d)(1). Based on the information and documentation provided, the Agency calculated Petitioner's monthly net income, for SNAP eligibility purposes, to be \$2,038.50, which exceeded the maximum allowable net income level, for a two-person household, of \$1,704, and thereafter, the Agency terminated Petitioner's SNAP benefits effective December 1, 2024. See Initial Decision at 2-3; see also Exhibit R-6, N.J.A.C. 10:87-6.16(d)(1), and DFD Instruction ("DFDI") 24-10-04 at 13. Petitioner testified that her childcare costs were higher than the amount used by the Agency in their calculation, and asserted the Agency had not properly accounted for all of her medical expenses. See Initial Decision at 3. Following the hearing, Petitioner produced several medical bills, however, none of the medical bills produced resulted in any further deductions being applied as they were for services provided to Petitioner's minor child, or for service dates that were too remote in time, and therefore beyond those considered for Petitioner's SNAP eligibility. See Initial Decision at 3, 6; see also Exhibits P-1, R-7. Further, Petitioner failed to produce any childcare bills to evidence higher childcare costs. See Initial Decision at 3. Accordingly, the ALJ found that the Agency properly terminated Petitioner's SNAP benefits as, after inclusion of Petitioner's UIB income in the SNAP benefits calculations, the household exceeded the maximum allowable net income threshold. See Initial Decision at 6. I 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. March 14, 2025

Natasha Johnson
Assistant Commissioner

