



State of New Jersey

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **08451-25 J.C.**

AGENCY DKT. NO. **S938136009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner challenges the correctness of the Respondent Agency's determination of Petitioner's monthly Supplemental Nutrition Assistance Program ("SNAP") benefits allotment at recertification. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 13, 2025, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On September 18, 2025, the ALJ reopened the record to confirm documents submitted by the Agency, and with no further testimony, the record again closed. On September 29, 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 MODIFIED and the Agency's determination is AFFIRMED, based on the discussion below.

Regulatory authority applicable to SNAP benefits 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. 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 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. Further, N.J.A.C. 10:87-6.16(b) 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).

I take official notice of the fact that the records of this office show that in calculating Petitioner's SNAP benefits allotment at recertification in March, 2025, in addition to the unearned and earned income as stated in the Initial Decision, the Agency also applied shelter costs of \$1,450, as well as a utility allowance, and standard deduction as follows. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Petitioner's SNAP household size is two persons, Petitioner and his son, who is over the age of 18, and the household's income is comprised of both earned income and unearned income in the form of Retirement, Survivors and Disability Insurance ("RSDI") benefits. See Initial Decision at 2; see also Exhibit R-1. The record shows that Petitioner receives monthly RSDI benefits in the amount of \$1,864 and monthly earned income from Petitioner's son, calculated by averaging four weekly paystub amounts, and then applying the correct multiplier of 4.333, resulting in the amount of \$1,099.09. Ibid.; see also N.J.A.C. 10:87-6.9(d)(1). As Petitioner's household contains a permanently disabled person, only the net income standard must be met for continued SNAP eligibility. See N.J.A.C. 10:87-6.16(d)(1); see also N.J.A.C. 10:87-2.34(b)(2) (defining a disabled household member as one who receives Social Security disability benefits, including those under Title II, known as RSDI benefits).

Proceeding to the allotment calculations, 80% of the household's earned income amount, \$879.20, is added to the household unearned income amount, of \$1,864, bringing the household's income to \$2,743.20. See N.J.A.C. 10:87-6.16(b)(2),(3). At the hearing before the ALJ, Petitioner asserted that the earned income of his son, who is a full-time student and is employed part-time, should be excluded from the SNAP calculations. See Initial Decision at 2. However, regulatory authority provides that the income of students may only be excluded if the student is under the age of 18, which Petitioner's son is not, and as such, his earned income must be included. See N.J.A.C. 10:87-5.9(a)(12). After subtracting the standard deduction of \$204 for a household of two, Petitioner's income is reduced to \$2,539.20. See N.J.A.C. 10:87-6.16(b)(4), (5); see also DFDI Instruction ("DFDI") 24-10-04 at 12. The records of this office show no medical expenses being presented to the Agency at the time of Petitioner's recertification in March, 2025. Next, is to determine if Petitioner receives a shelter deduction and if so, how much. The record shows Petitioner's rent as \$1,450, plus the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$878, bringing Petitioner's total shelter costs to \$2,328. See N.J.A.C. 10:87-6.16(b)(8); see also DFDI 24-10-04 at 12. Subtracted from that amount is 50% of Petitioner's income after the above deductions, or half of \$2,539.20, which is \$1,269.60, (\$2,328 - \$1,269.60), resulting in an excess shelter deduction of \$1,058.40. See N.J.A.C. 10:87-6.16(b)(8). This amount is then subtracted from Petitioner's income minus the deductions ((\$2,743.20 - \$204) - \$1,058.40), resulting in a net monthly SNAP income of \$1,480.80. See N.J.A.C. 10:87-6.16(b)(9).

That amount is then multiplied by .3 and rounded up, or \$445. 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, \$536- \$445, resulting in an allotment amount of \$91. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also DFDI 24-10-04 at 12. However, as stated by the ALJ, Petitioner's household is eligible for a supplement to raise Petitioner's SNAP benefit to \$95, the State Minimum Benefit, which went into effect in March, 2023. See Initial Decision at 4; see also DFDI 24-01-01. The ALJ in this matter determined that the Agency had correctly calculated Petitioner's SNAP benefits allotment at recertification, in March 2025. See Initial Decision at 4. I agree, but modify the Initial Decision in this case to include 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. October 14, 2025

Natasha Johnson
Assistant Commissioner

