



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **09968-24 M.A.**

AGENCY DKT. NO. **S915550009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner challenges the correctness of the Respondent Agency's reduction of his monthly Supplemental Nutrition Assistance Program ("SNAP") benefits allotment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 7, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On January 13, 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 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. 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, by notice dated December 2, 2023, the Agency recalculated Petitioner's SNAP benefits allotment amount based on an increase in Petitioner's Social Security Insurance ("SSI"), effective January 1, 2024. See Initial Decision at 2; see also Exhibit R-1. Using the revised SSI amount in the SNAP benefits calculated resulted in a revised net income amount, with a revised allotment amount of \$704, decreasing Petitioner's monthly SNAP benefit amount by \$13. Ibid.; see also N.J.A.C. 10:87-6.16. At the time of the recalculation, Petitioner's household consisted of three people—Petitioner and his two children. See Exhibit R-1. Based on the foregoing, the ALJ concluded that the Agency's calculations of Petitioner's monthly SNAP benefits allotment, based on Petitioner's revised SSI income amount, was proper and must stand. See Initial Decision at 4. I agree. However, based upon the timing of the request for a fair hearing, I believe that the issue before the ALJ concerned a household composition change made at the time of Petitioner's SNAP recertification during May 2024.

The ALJ references that Petitioner believed the Agency failed to include his two children when calculating his SNAP benefits. See Initial Decision at 2. At the hearing, Petitioner testified that both of his daughters, who reside in his household, are college students and that neither are employed. Ibid. Upon review of the records of this office, I take official notice that Petitioner's SNAP household was due for recertification during May, 2024, at which time Petitioner included his two adult children in his household. See Form WFNJ-1J, dated May 13, 2024. At some point during May, 2024, Petitioner was interviewed by the Agency and it was determined that his two adult children are enrolled full time in college and that neither are currently employed. See IMFS screen. Thereafter, Petitioner's two children were removed from his SNAP, which reduced his SNAP benefit amount effective June 1, 2024, from \$704 per month to \$232 per month. See Exhibit R-1. Petitioner requested a fair hearing on June 18, 2024, which would align with the reduction in benefits effective June 1, 2024. While not a transmitted issue, the ALJ correctly noted that, in accordance with N.J.A.C. 10:87-3.14, Petitioner's children do not work while they are attending college, and do not otherwise meet the SNAP eligibility criteria for full-time college students such that they may be included in Petitioner's SNAP household. See Initial Decision at 3-4. I also 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.

January 28, 2025

Natasha Johnson

Assistant Commissioner

