



State of New Jersey

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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 **07384-26 K.S.**

AGENCY DKT. NO. **C792087007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner challenges the correctness of the Respondent Agency's calculation of her monthly Supplemental Nutrition Assistance Program ("SNAP") benefits at recertification. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 9, 2026, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record was then held open to allow for the submission of additional documents and then closed on June 10, 2026. On July 1, 2026, 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 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.

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, an independent review of the record reveals that Petitioner submitted her February, 2026 application for recertification of SNAP benefits to the Agency and that such application was processed by the Agency on April 12, 2026. See Initial Decision at 2. The recertification application included Petitioner's paystubs for January 2, 9, 16, and 23, 2026. Ibid.; see also Exhibit R-1. Based upon the paystubs and shelter costs submitted, on April 13, 2026, the Agency approved Petitioner's SNAP recertification application for a monthly benefit amount of \$24 for March, April and May, 2026. See Exhibit R-1. At the hearing, Petitioner testified that the Agency did not consider that her employment is seasonal, which results in income variation. See Initial Decision at 2.

The ALJ in this matter concluded that the Agency's calculations of Petitioner's monthly SNAP benefits allotment, were correct and must stand, as fluctuating income is used in benefit calculations in accordance with N.J.A.C. 10:87-6.9(f) which sets forth the process for income averaging when income fluctuates over the certification period. See Initial Decision at 4. I agree that the Agency properly calculated Petitioner's monthly SNAP benefits allotment, and note that, as New Jersey has implemented a SNAP State Minimum Benefit of \$95, effective March, 2023, households which are eligible for less than \$95 per month in SNAP benefits, will receive a State Minimum Benefit of \$95. See N.J.A.C. 10:87-13.1 through 13.4, see also Division of Family Development Instruction No. 24-01-01. The additional benefits needed to bring the eligible household to \$95 would be issued as a supplement to the amount that the household had been determined to be eligible for. Ibid. In this case, I take official notice that the records of this office reflect, and the record in this matter references, that while the Agency calculated that Petitioner was eligible for the monthly allotment of \$24, three separate additional payments of \$71 were issued to Petitioner to cover the months of March, April and May, 2026, and as such, Petitioner actually received a total of \$95 through the SNAP Minimum Benefits Program for those months. See Exhibit R-1. The Initial Decision is modified to reflect these findings.

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

Officially approved final version. August 06, 2026

Natasha Johnson
Assistant Commissioner

