



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 12041-15 Y.P.

AGENCY DKT. NO. C069406 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner challenges the correctness of the Respondent Agency's reduction of her Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 15, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 28, 2015, the ALJ issued her Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby REJECT the Initial Decision and AFFIRM the Agency's determination.

To be eligible for SNAP, an applicant's income (earned and unearned), together with their resources, must fall below a certain threshold. See N.J.A.C. 10:87-6.16. Earned income represents all wages and salaries received as compensation for services performed as an employee. See N.J.A.C. 10:87-5.4(a)(1). All other monies paid by any source, directly to a SNAP applicant or recipient, which can be construed as a gain or benefit to the household, constitutes unearned income. See N.J.A.C. 10:87-5.5(a)(9). For example, payments made to applicants from any source that are not made directly to third parties, such as landlords, are counted as

unearned income. See N.J.A.C. 10:87-5.9(a)(2)(iii). Thereafter, certain statutory deductions are applied to that income, resulting in a net income amount. See N.J.A.C. 10:87-12.1(a) - (c); N.J.A.C. 10:87-6.16(b)(3) - (9). Finally, the maximum benefit allotment for the applicant's family size is used to determine the family's monthly SNAP benefit allotment. See N.J.A.C. 10:87-12.6(a)(1)(i) - (iii); see also DFD Instruction No. 15-09-01.

Here, the assistance unit consists of Petitioner, her husband, and three teenaged children. See Initial Decision at 2. The family moved from Passaic County to Morris County in August 2014. *Ibid.* None of the family members are employed, and the only income they receive is \$1,450.00 per month paid directly to Petitioner by her brother, to be used towards rent and a cable bill. *Ibid.* The family received \$771.00 per month in SNAP benefits while living in Passaic County, and are now receiving \$540.00 per month. *Ibid.* Petitioner is challenging the correctness of the calculation of her SNAP benefits, because they are not at the maximum amount allowable for a family of five. *Ibid.*; see also DFD Instruction No. 15-09-01.

In her Initial Decision, the ALJ calculated Petitioner's SNAP benefits eligibility and concluded that Petitioner's family of five should receive monthly SNAP benefits of \$771.00, based on a net monthly income of \$1,257.00. See Initial Decision at 3. In fact, the Agency's SNAP computation worksheet also reflects an adjusted income amount of \$1,257.00. See Agency's Food Stamp Computation dated April 30, 2015. When the allowable shelter deduction of \$490.00 is subtracted from \$1,257.00, the result is a net food stamp income for Petitioner's household of \$767.00. *Ibid.*; see also N.J.A.C. 10:87-12.6.

The ALJ is correct in stating that the maximum benefit allotment of SNAP for a family of five is \$771.00. See Initial Decision at 2; see also DFD Instruction No. 15-09-01. However, the ALJ has skipped the final step required to calculate Petitioner's monthly SNAP benefit allotment. See N.J.A.C. 10:87-12.6. The SNAP regulations provide a formula to be applied when determining the monthly SNAP allotment a family should receive. See N.J.A.C. 10:87-12.6(a). Specifically, Petitioner's monthly net income of \$767.00 must be multiplied by 30 percent, which equals \$231.00 (rounded up to the next dollar amount, as per the regulation). See N.J.A.C. 10:87-12.6(a)(1)(i) and (ii). Next, \$231.00 must be subtracted from the maximum benefit allotment of \$771.00 for a family of five. See N.J.A.C. 10:87-12.6(a)(1)(iii). The resulting monthly benefit allotment for Petitioner's family is \$540.00, which is the exact amount that was calculated by the Agency, and which is being paid to Petitioner. See Initial Decision at 2; see also N.J.A.C. 10:87-12.6(a)(1)(i) - (iii).

Based upon the foregoing, I find that the Agency has correctly calculated, and has granted, the proper monthly allotment of SNAP benefits to Petitioner. For that reason, the Agency's action was proper and must stand.

By way of comment, I note that the ALJ suggests that, if the monetary unearned income given to Petitioner by her brother was ignored, the SNAP formula would allow Petitioner's family the maximum SNAP benefit amount. See Initial Decision at 3. However, I find no authority under the SNAP regulations to entertain such an option.

Accordingly, the Initial Decision is hereby REJECTED and the Agency's action is hereby AFFIRMED.

Signed Copy on File
at DFD, BARA

OCT 27 2015

Natasha Johnson
Director