



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 **04375-24 E.R.**

AGENCY DKT. NO. **C315026007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner 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 for a hearing. On June 13, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record remained open for receipt of documents and then closed on June 17, 2024. On July 2, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received from either party.

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's 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. "Earned income" is defined, in pertinent part, as "[a]ll wages and salaries received as compensation for services performed as an employee[.]" See N.J.A.C. 10:87-5.4(a)(1). 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.

Gross income is determined by adding together the household's monthly earned and unearned income, minus any earned income exclusions. See N.J.A.C. 10:87-6.16(b), (b)(1). That total gross income amount is then utilized to determine a household's SNAP eligibility in accordance with N.J.A.C. 10:87-6.16(d)(1) and (2). The maximum allowable gross income for a household of three persons is \$3,833. See DFD Instruction ("DFDI") 23-09-01 at 13.



Here, based on independent review of the record, Petitioner applied for SNAP benefits on September 20, 2023, for a household of three persons. See Exhibit R-1. The maximum allowable gross income for a household of three persons is \$3,833. See DFDI Instruction (“DFDI”) 23-09-01 at 13. Based on the supporting documentation provided, specifically, systems lookups reflecting Petitioner’s quarterly earned income, as well as the monthly Retirement, Survivors and Disability Insurance (“RSDI”) benefits on behalf of both her two children, the Agency calculated Petitioner’s monthly household income to be \$4,653. See Exhibit R-1; see also See N.J.A.C. 10:87-5.4(a)(1). As such, by notices dated March 11, 2024, the Agency denied Petitioner’s application for SNAP benefits on the basis that the household’s monthly gross income exceeded the allowable maximum gross income amount for the household size. See Exhibit R-1. There is no indication in the record that any household member is handicapped, disabled or elderly, and as such, the household must meet the both the gross and net income tests for SNAP eligibility. See N.J.A.C. 10:87-2.34(a)(1), (2), and N.J.A.C. 10:87-6.16(d)(1), (2). Based on the documentary and testimonial evidence presented in this case, the ALJ in this matter found that the Agency’s denial, based on excess income over the gross income threshold, was proper and must stand. See Initial Decision at 2-3. I agree.

By way of comment, Petitioner maintains that the children’s RSDI benefits were terminated in 2023. However, the documentation submitted by Petitioner show that the benefits were suspended for a short period of time, rather than terminated. See Exhibit P-1. From the limited documentation provided, it seems that an issue regarding the payee on behalf of the children had arisen and may have caused the suspension, and that at some time in early 2024, the RSDI benefits resumed. Ibid.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency’s determination is also AFFIRMED, as outlined above.

Officially approved final version. July 17, 2024

Natasha Johnson
Assistant Commissioner

