



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 08091-21 A.G.

AGENCY DKT. NO. C076456012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency denied Petitioner SNAP benefits, at recertification, 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 October 19, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On October 27, 2021, 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 AFFIRMED 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 child support or alimony payments made directly to the household by non-household members. See N.J.A.C. 10:87-5.5(a)(5).

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).

Here, the record reflects that Petitioner's SNAP household is comprised of two persons. See Initial Decision at 2; see also Exhibit R-1 at 1. The record further shows that Petitioner has monthly earned income amounts of \$1,634 and \$1,809 respectively, for a total combined household earned income of \$3,443. See Initial Decision at 2; see also Exhibits R-3, R-6. Additionally, Petitioner receives unearned income, in form of child support, in the monthly amount of \$65, which, when combined with the household's earned income, results in a total household gross income of \$3,508. See Initial Decision at 3; see also Exhibit R-6. There is no indication in the record that Petitioner, or anyone in the household, 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). At the time of Petitioner's recertification, in June 2021, the maximum allowable gross income amount for SNAP eligibility, for a household of two persons, was \$2,652 and as Petitioner's household's gross income is over that threshold, Petitioner's household was determined to be ineligible for continued SNAP benefits. See Initial Decision at 3-4; see also DFD Instruction ("DFDI") 20-09-04 at 13. Furthermore, when Petitioner submitted new paystubs with his application for a fair hearing, the Agency recalculated the household's gross income to be \$2,882, which is still over the threshold for Petitioner's household size. See Initial Decision at 4; see also Exhibit R-5. Based on the foregoing, the ALJ found that the Agency's denial of SNAP benefits to Petitioner, at recertification, was proper and must stand. See Initial Decision at 5; see also Exhibit R-6. I agree.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits.

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

Officially approved final version. NOV 29 2021

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Natasha Johnson  
Assistant Commissioner

