



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 08517-21 K.O.

AGENCY DKT. NO. C198411009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Petitioner's Work First New Jersey/ Temporary Assistance for Needy Families ("WFNJ/TANF"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. Petitioner's WFNJ/TANF benefits were terminated due to the household's earned income being over the maximum allowable benefit level. The Agency terminated Petitioner's 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 November 3, 2021, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On December 16, 2021, the ALJ issued an Initial Decision, affirming the Agency's termination of Petitioner's SNAP benefits.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's terminations of Petitioner's WFNJ/TANF and SNAP benefits, based on the discussion below.

Financial eligibility for WFNJ benefits is determined based upon the assistance unit's countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). Pursuant to N.J.A.C. 10:90-3.2(a), in order to determine initial financial eligibility for WFNJ benefits for a new applicant, reapplicant or reopened case, "all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule I at N.J.A.C. 10:90-3.3." See also N.J.A.C. 10:90-3.1(b). Further, "[i]f the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/TANF initial financial eligibility exists." See N.J.A.C. 10:90-3.2(a). For an assistance unit of three, effective July 1, 2019, the initial maximum allowable income level is \$839, and for an assistance unit of four, the initial maximum income level is \$966. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.



Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF is found to exist, financial eligibility continues to exist so long as the assistance unit's total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, if applicable) is less than the maximum benefit payment level allowable for the size of the assistance unit, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of three, the maximum allowable benefit level is \$559, and for an assistance unit of four, the maximum allowable benefit level is \$644. See N.J.A.C. 10:90-3.3(b); see also DFD IT 19-21.

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. 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 four persons. See Initial Decision at 2. The record further shows that Petitioner's household has earned income from Petitioner's husband and son, in the combined total amount of \$6,838. See Initial Decision at 2, 4; see also Exhibit R-1 at 1. There is no indication in the record that Petitioner, or anyone in the SNAP 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). In September 2021, the maximum allowable gross income amount for SNAP eligibility, for a household of four persons, was \$4,040, 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 2, 4; see also Exhibit R-1 at 1, 2-3, and DFD Instruction ("DFDI") 20-09-04 at 13.

Based on the foregoing, the ALJ found that the Agency's closure of Petitioner's SNAP benefits case was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 2-3. I agree.

Additionally, while the ALJ did not address the Agency's termination of Petitioner's WFNJ/TANF benefits, based upon an independent review of the record, it is clear that the total countable monthly earned income of \$6,838 makes the assistance unit ineligible for WFNJ/TANF benefits. See Exhibit R-1 at 1; see also N.J.A.C. 10:90-3.3(b), -3.8(h), and DFD IT 19-21. While it is unclear from the record why, on August 20, 2021 the Agency originally approved the assistance unit based on three persons, rather than four, it is undeniable and indisputable that the assistance unit's monthly countable earned income exceeds the maximum level of both \$559 for three persons, or \$644 for four persons for continued receipt of WFNJ/TANF benefits. *Ibid.*; see also Exhibit P-1. Moreover, even excluding one of Petitioner's sons from the assistance unit, and thereby not counting that son's earned income, the assistance unit's earned income of \$4957 clearly exceeds the maximum income level of \$559 for a household of three for continued receipt of WFNJ/TANF benefits, and it also appears that the assistance unit may not have been eligible for WFNJ/TANF benefits at the time of application, based on that income level being over initial eligibility thresholds of \$839 and \$966, for assistance units of three and four persons, respectively. *Ibid.*; see also N.J.A.C. 10:90-3.3(a) and DFD IT No. 19-21. As such, I find that the termination of Petitioner's WFNJ/TANF benefits was also proper and must stand. See Exhibit R-1 at 1. The Initial Decision is modified to reflect this finding.



Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's terminations of Petitioner's WFNJ/TANF and SNAP benefits are AFFIRMED, as outlined above.

Officially approved final version.

DEC 21 2021

Natasha Johnson
Assistant Commissioner

