



## State of New Jersey

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*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 **03140-24 A.C.**

AGENCY DKT. NO. **S457881006 (CUMBERLAND COUNTY BD OF SOC SVCS.)**

Petitioner appeals from the Respondent Agency's denial, at recertification, of her Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's recertification application contending that Petitioner's income, as well as her mother's financial contribution, led to a monthly income calculation which exceeded the allowable net income level for SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 1, 2024, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Thereafter, on May 15, 2024, the ALJ issued an Initial Decision, reversing the denial of Petitioner's SNAP benefits and remanding the matter to the Agency for further consideration and recalculation.

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, I hereby ADOPT the Initial Decision, REVERSE the Agency's determination, and REMAND this matter to the Agency, based on the discussion below.

In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, which includes both earned and unearned income. See N.J.A.C. 10:87-2.19, -2.20. Without said verification of required information, SNAP eligibility cannot be determined or granted. Ibid.

Following Petitioner's submission of her SNAP recertification application on November 22, 2023, the Agency requested that Petitioner provide paystubs for the last thirty days as well as a letter from her mother indicating the amount of money provided to Petitioner, each month. See Initial Decision at 2; see also Exhibit R-2. Petitioner provided two paystubs as well as a letter from her mother. See Initial Decision at 2; see also Exhibit R-1. The Agency denied Petitioner's recertification application on February 13, 2024. See Initial Decision at 2; see also Exhibit R-1.

The record reflects that Petitioner is the head of a four-person SNAP household which consists of herself and her three children. See Initial Decision at 2; see also Exhibit R-1. When requested by the Agency, Petitioner provided two paystubs, each dated January 5, 2024, and each covering pay periods December 24, 2023, through December 30, 2023. Ibid. One of the paystubs showed a total gross pay amount of \$232.97, while the other showed a "BONUS" amount of \$250.00. See Initial Decision at 3; see also Exhibit R-1. Petitioner further supplied a letter from her mother stating Petitioner was being provided \$2,500.00 per month. Ibid. Following submission of the paystubs and letter, the Agency proceeded with the monthly income calculation (see generally N.J.A.C. 10:87-6.9(d)(1)) and determined Petitioner's net income



was \$3,294.00. Ibid. The maximum allowable net income for a SNAP household of four persons is \$2,500.00 and thus Petitioner was found ineligible for SNAP benefits. Ibid.; see also DFDI Instruction (“DFDI”) 23-09-01 at 12.

The ALJ, within the Initial Decision, cites to the testimony of the Agency representative wherein he did not question how, nor to whom, financial support was provided to by Petitioner’s mother. See Initial Decision at 3. Further, regarding the paystubs, the Agency representative testified that it was “probable” the monthly income calculation was inaccurate based upon the use of only one pay period, but that in similar situations, additional income information would not be sought so long as what was provided was adequate to make an eligibility determination regarding benefits. Ibid.

Petitioner testified that her recertification application included six weekly paystubs, however only two paystubs are included in the record. See Initial Decision at 4. Further, Petitioner testified that she added the amount on her mother’s letter (\$2,500.00) postscript and that she intended the amount on the letter to indicate her monthly mortgage amount, rather than the amount actually received from her mother. Ibid.

Regarding the amount contributed by Petitioner’s mother, the ALJ focused upon whether or not the payment was made directly to the Petitioner’s mortgage company, or whether it is provided to Petitioner to make the payment. See Initial Decision at 7; see also N.J.A.C. 10:87-5.9(a)(2). Determination of same is pertinent in this matter, as payments made directly to a creditor by a third party are not considered income to a SNAP household. Ibid. The way in which this financial support is given must be resolved because, as stated within the Initial Decision by the ALJ, “Petitioner’s qualification for SNAP benefits turns solely on this question.” See Initial Decision at 8. It remains unclear from the record, and as noted by the ALJ, as to how Petitioner has made payments totaling almost \$39,000.00 to her mortgage company during 2023 based on the income information provided. See Initial Decision at 7-8. However, that issue aside, the ALJ concluded that the Agency’s use of one week’s paystubs is unlikely to reflect Petitioner’s expected income. See Initial Decision at 8; see also N.J.A.C. 10:87-6.3(a). In addition, the ALJ found the use of Petitioner’s “holiday payment,” presumably a one-time annual bonus amount, to be problematic when calculating Petitioner’s monthly income. See Initial Decision at 8.

Following presentation of testimonial and documentary evidence in this case, the ALJ concluded that the Agency’s denial of Petitioner’s SNAP recertification application should be reversed, and the matter remanded back to the Agency for further consideration and recalculation including specifically 1) a determination as to how Petitioner’s mother provides financial support including the amount and to whom it is paid; and 2) further review as to the Petitioner’s paystubs when determining her monthly income. See Initial Decision at 8. Based upon an independent review of the record, I agree.

By way of comment, the Agency shall seek additional information as appropriate, whether from available alternate sources, and/or requesting additional paystubs from Petitioner, and/or requesting additional information regarding payments from the Petitioner’s mother and/or the mortgage company.

By way of further comment, Petitioner shall assist the Agency in providing all information and documentation requested in order to determine eligibility.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s determination is REVERSED and the matter REMANDED back to the Agency for further consideration and recalculation, as outlined above.

Officially approved final version. June 06, 2024

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Natasha Johnson  
Assistant Commissioner

