



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **03935-24 J.W.**

AGENCY DKT. NO. **C365476007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits and Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner SNAP benefits, contending that Petitioner's countable household income exceeded the maximum permissible level for receipt of said benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that Petitioner failed to provide information and documentation necessary to determine eligibility for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 4, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On July 16, 2024, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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 determinations are **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). Further, N.J.A.C. 10:87-5.5(a)(2) specifically includes "unemployment compensation" as unearned income which is to be included when determining a household's SNAP eligibility.

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 one person, at the time of Petitioner's application for SNAP benefits, was \$2,096. See DFD Instruction ("DFDI") 22-09-02 at 14.



Here, based on independent review of the record, Petitioner applied for SNAP benefits on April 4, 2023, for a household of one person and was interviewed for eligibility on October 6, 2023, at the Agency. See Exhibit R-1. As stated above, the maximum allowable gross income for a household of one person, at the time of Petitioner's application for SNAP benefits, was \$2,096. See DFDI 22-09-02 at 14. Based on the supporting documentation provided, specifically, Petitioner's quarterly earned income, as well as the Unemployment Insurance Benefit ("UIB") being received, the Agency calculated

Petitioner's monthly household income to be \$2,698, based upon his 2nd quarter of 2023 wages. See Exhibit R-1; see also See N.J.A.C. 10:87-5.4(a)(1). As such, by notice dated February 15, 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 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 of SNAP benefits, based on excess income over the gross income threshold, was proper and must stand. See Initial Decision at 2-3. I agree.

As to the WFNJ/GA benefits, the record reveals that the Petitioner applied for WFNJ/GA benefits on April 4, 2023, and then appeared at the Agency for an eligibility interview on October 6, 2023, at which time he was advised by the Agency he was required to submit verification of proof of residency/address. See Initial Decision at 2; see also Exhibit R-1. Petitioner failed to provide the requested documentation, and on December 27, 2023, the Agency denied his WFNJ/GA application. Ibid.; see also Exhibit R-1. Petitioner presented no evidence to demonstrate good cause for his failure to timely provide information to the Agency. See Initial Decision at 3-4.

In order to determine eligibility for WFNJ/GA benefits, mandatory verification of certain information is required. See N.J.A.C. 10:90-2.2. Verification for WFNJ/GA benefits requires the applicant to provide all necessary documentation. See N.J.A.C. 10:90-2.2(a)(5) (stating that "As a condition of eligibility for WFNJ benefits, the applicant shall, subject to good cause exceptions, be required to provide all necessary documentation."). Based on the credible testimony provided, the ALJ concluded that Petitioner had not provided the information required to be verified to determine eligibility, and as such, the Agency's denial of WFNJ/GA benefits to Petitioner was also proper and must stand. See Initial Decision at 3-4; see also N.J.A.C. 10:90-2.2(a)(5). I also agree.

By way of comment, Petitioner is without prejudice to reapply for WFNJ/GA benefits and/or SNAP benefits, if he has not already done so, but is reminded that he must provide all information and documentation requested in order to determine eligibility. Petitioner is advised to communicate directly with the Agency with regards to the applications and any required documentation.

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. August 01, 2024

Natasha Johnson
Assistant Commissioner

