



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 **03747-24 T.B.**

AGENCY DKT. NO. **C788174007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner WFNJ/TANF and SNAP benefits because her total monthly income was over the maximum allowable benefit level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 22, 2024, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held the telephonic plenary hearing, took testimony, and admitted documents. On May 24, 2024, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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 determinations, 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 five persons, effective July 1, 2019, the initial maximum allowable income level is \$1,092. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.

Only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

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).

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, a review of the record reflects that Petitioner applied for WFNJ/TANF and SNAP benefits on December 26, 2023. See Initial Decision at 2. The Agency thereafter requested copies of paystubs, and upon receipt of same, showing earned income for the weeks of December 6, December 13 and December 20, 2023, it was determined that Petitioner's monthly gross income was \$6,270, clearly in excess of the allowable benefit level of \$1,092 for WFNJ/TANF benefits for an assistance unit of five persons, as well as the gross income level threshold of \$5,418 for SNAP benefits for a household of five. See Initial Decision at 2; see also N.J.A.C. 10:90-3.2(a), N.J.A.C. 10:87-6.16(d)(2) and DFD Instruction ("DFDI") 23-09-01 at 13. Based on the foregoing, the ALJ concluded that Petitioner did not qualify for WFNJ/TANF and/or SNAP benefits, and affirmed the Agency's denial for said benefits. See Initial Decision at 3. I agree. The Initial Decision is modified, however for clarity, to reflect the correct threshold amounts for eligibility of WFNJ/TANF and SNAP benefits, which were reversed in the Initial Decision. See Initial Decision at 2.

By way of comment, Petitioner is without prejudice to reapply for WFNJ and/or SNAP benefits should her circumstances warrant.

By way of further comment, the transmittal in this matter also reflects an appeal from a denial of Emergency Assistance ("EA") benefits. The Initial Decision states that "no application for EA could be found," and as such, no finding was made on this issue, and no conclusion is made in this Final Agency Decision, except to state that only WFNJ and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Also by way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determinations are AFFIRMED, as outlined above.

Officially approved final version. June 26, 2024

Natasha Johnson
Assistant Commissioner

