



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 16161-18 M.M.

AGENCY DKT. NO. C116015008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits as it contended that Petitioner's countable household income exceeded the maximum permissible level for receipt of benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 14, 2018, the Honorable Jeffrey R. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On December 20, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on December 28, 2018.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent evaluation of the record, I hereby REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87-1.1(a). In order to determine an applicant's eligibility for SNAP, the applicant's income and resources, including unearned income, must be below a certain threshold. See N.J.A.C. 10:87-6.16.

Unearned income shall include, but is not limited to, unemployment compensation. N.J.A.C. 10:87-5.5(a)(2).

Here, the record reflects that Petitioner began receiving SNAP benefits in April 2018. See Initial Decision at 2; see also Exhibit R-1 at 10. In September 2018, Petitioner began receiving weekly Unemployment Insurance Benefits ("UIB") in the amount of \$681, resulting in a monthly income of \$2,951. See Initial Decision at 2; see also Exhibit R-1 at 6-8. The Agency then determined that Petitioner's monthly income exceeded the maximum allowable gross income of \$1872 for a household of one person. See Initial Decision at 2; see also N.J.A.C. 10:87-6.16(b), and DFD Instruction ("DFDI") 18-09-01 at 16. Thereafter, on October 16, 2018, the Agency notified Petitioner that her SNAP benefits were being terminated, effective November 1, 2018. See Initial Decision at 2; see also Exhibit R-1 at 3-5.

Petitioner maintained that the weekly UIB she received were Additional Benefits during Training ("ABT"), and therefore, were excluded from calculating household income for SNAP benefits eligibility purposes. See Initial Decision 2-3; see also N.J.S.A. 43:21-61. Petitioner further asserted that she was to receive 21 weeks of ABT conditioned upon her enrollment in a training program monitored through the local Department of Labor and Workforce Development ("LWD") office. See Initial Decision at 3; see also Exhibit P-1 at 25, 26. Based on Petitioner's contention that she was receiving



alleged ABT benefits, and the Agency representative’s verbal representation at the hearing that the UIB Petitioner received constituted ABT, the ALJ found that such benefits were excluded from consideration as income for the purposes of determining SNAP benefits eligibility. See Initial Decision at 3, 5; see also N.J.S.A. 43:21-61, N.J.A.C. 10:87-5.9(a) (16), and 7 CFR 273.9(c)(10)(v). As such, the ALJ concluded that the Agency had improperly terminated Petitioner’s SNAP benefits, and reversed the Agency’s decision. See Initial Decision at 5; see also Exhibit R-1 at 3-5. I respectfully disagree.

The total amount of UIB an individual may collect is called Maximum Benefit Amount (“MBA”). See Exhibits P-1 at 26, R-1 at 6. The Maximum Benefit Amount is equal to the weekly benefit rate times the total number of weeks an individual worked in the base year period. See N.J.S.A. 43:21-3(d)(1)(B)(i); see also <https://www.nj.gov/labor/ui/calculate.html> (State of New Jersey, LWD website). ABT is utilized to help individual complete approved training programs that extend past the regular unemployment benefit period. See N.J.S.A. 43:21-61; see also <https://www.nj.gov/labor/ui/faq.html> (emphasis added).

Based upon an independent review of the record, is it clear that Petitioner filed her UIB claim on September 2, 2018, and that her Total Base Year Wages is \$37971.76, for 21 base weeks of work, specifically 13 weeks during the quarter ending 6/30/2017, and 8 weeks for the quarter ending 9/30/2017. See Exhibit P-1 at 26. Petitioner’s UIB weekly benefit rate was determined to be \$681, with the maximum UIB benefit amount Petitioner could collect being 21 weeks times the weekly benefit amount of \$681, or \$14,301. See Exhibits P-1 at 26, R-1 at 6; see also N.J.S.A. 43:21-3(d)(1)(B)(i). Petitioner was not entitled to collect UIB for a total of 26 weeks, as she did not work 26 or more weeks during the base year, 4/01/2017 to 3/31/2018. See Exhibit P-1 at 26; see also N.J.S.A. 43:21-3(d)(2). Based on the foregoing, at the time in question, Petitioner was within the regular unemployment benefits period of 21 weeks, and was had not yet gone past that regular benefits period of 21 weeks, such that ABT could be triggered. See N.J.S.A. 43:21-61. Indeed, using the indicated weeks Petitioner received UIB, beginning September 8, 2018, see Exhibit R-1 at 7-8, and extending 21 weeks, reveals that Petitioner’s 21 weeks of regular unemployment benefits ended on January 26, 2019, and as such, ABT could not yet be a factor at the time of the Agency’s November 1, 2018, termination of SNAP benefits. See Exhibit R-1 at 3.

Accordingly, in accordance with applicable regulatory authority, Petitioner’s UIB is considered unearned income, which must be included in the SNAP benefit eligibility determination. See N.J.A.C. 10:87-5.5(a)(2), -6.16(b)(3). As correctly asserted by the Agency, utilizing Petitioner’s weekly UIB amount of \$681, results in a monthly amount of \$2951, which is clearly above the maximum allowable gross income for a household of one person, \$1872. See Exhibit R-1 at 1, 9; see also DFDI 18-09-01 at 16.

Based on the foregoing, the Initial Decision in this matter is hereby REJECTED, and the Agency’s determination is AFFIRMED.

Officially approved final version. MAR - 6 2019

Natasha Johnson

Director

