



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 13750-24 A.H.

AGENCY DKT. NO. C352271007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutritional Assistance Program ("SNAP") benefits at recertification. The Agency terminated Petitioner's SNAP benefits at recertification, 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 ("OAL") for a hearing. On January 23, 2025, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On February 4, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

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, the ALJ's Initial Decision is hereby ADOPTED and the Agency determination is 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. 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 met with the Agency on July 22, 2024, to sign SNAP addendums and update her phone number due to the recertification process for SNAP benefits. See Initial Decision at 2. Thereafter, the Agency processed Petitioner's recertification application for continued eligibility for SNAP benefits and discovered, through a state wage software program, that both adults in the SNAP household had earned income during 2024. Ibid.; see also Exhibit R-1. The Agency contacted Petitioner and sent Petitioner a Request for Verification specific to verification of income for the past thirty days, although on what exact date that verification was sent to Petitioner is unclear, as a copy of the verification is not included in the record for this matter. Ibid. On July 31, 2024, the Agency terminated Petitioner's SNAP benefits, due to the household income exceeding the maximum allowable gross income level for receipt of SNAP benefits.



Ibid.; see also N.J.A.C. 10:87-12.4. Petitioner testified that the Agency did not request additional documentation or information following her meeting on July 22, 2024, and that she received the SNAP termination notice prior to receiving the request for verification. See Initial Decision at 2-3. However, I note that the record reflects that Petitioner was issued SNAP benefits for August, 2024, which would be appropriate if the Request for Verification was sent within 10 days of the termination notice, in order to allow Petitioner to respond with the requested information. See Exhibit R-1 at 13; see also N.J.A.C. 10:87-9.1(h). Petitioner further testified that she provided the requested information to the Agency at the time of the request, but provided no corroborating evidence of such submission. See Initial Decision at 5. Petitioner provided the requested information prior to the hearing in January, 2025, which the Agency asserted was the only time at which it received the requested information. Ibid.

While the information obtained by the Agency from the state wage software system indicated that Petitioner's household had two sources of earned income, and as there is no indication in the record that Petitioner, or anyone in the SNAP household, is handicapped, disabled or elderly, 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). The maximum allowable gross income amount for SNAP eligibility, for a household of two persons, at the time of Petitioner's recertification was \$3,041, and as Petitioner's household's gross income, per the state wage software, was determined to be over that threshold, Petitioner's household was found ineligible for continued SNAP benefits. See Initial Decision at 2-5; see also DFD Instruction ("DFDI") 23-09-01 at 13, and Exhibit R-1 at 3-4. Based on the foregoing, the ALJ found that the Agency's denial of SNAP benefits to Petitioner at recertification was proper and must stand. See Initial Decision at 6. I agree.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits, but must timely provide all information and documentation requested in order to determine eligibility.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. March 04, 2025

Natasha Johnson
Assistant Commissioner

