



## 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 **10560-24 A.J.**

AGENCY DKT. NO. **C663541007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, contending that Petitioner's 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 for a hearing. On November 19, 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 January 6, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 \$2,248. See DFD Instruction ("DFDI") 23-09-01 at 13.



Here, Petitioner applied for SNAP benefits, for a household of one. See Initial Decision at 2. Petitioner did not submit any paystubs at the time of her application, and therefore, the Agency determined Petitioner's earned income through access to an income database, which was then determined to be over the allowable gross income amount for a household of one. See Initial Decision at 2; see also Exhibit R-1. As such, the Agency denied Petitioner's application for SNAP benefits on the basis that her household's monthly gross income exceeded the allowable maximum gross income amount for the household size. See DFDI 23-09-01 at 13. Petitioner acknowledged her past earned income, however, she testified that she was last employed in July 2024. See Initial Decision at 2. 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 3. I agree.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits, if she has not already done so, but is reminded that she 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. January 17, 2025

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Natasha Johnson  
Assistant Commissioner

