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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **05058-25 D.C.**

AGENCY DKT. NO. **S462898012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits, and challenges the correctness of the Respondent Agency's recalculation of Petitioner's monthly Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that her income exceeded the WFNJ/GA benefits financial eligibility limits, and terminated Petitioner's EA benefits because she was neither a WFNJ cash benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 23, 2025, a prehearing conference was conducted and the matter was adjourned for two weeks to allow Petitioner to obtain a voucher for alternative housing. On June 6, 2025, the Honorable Claudia L. Marchese, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On June 23, 2025, 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY the ALJ's Initial Decision and AFFIRM the Agency's determinations, based on the discussion below.

"A person who appears to be eligible for other benefits such as (but not limited to) unemployment insurance benefits; Social Security; Retirement, Survivors and Disability Insurance; [SSI]; or Veteran's benefits and such person refuses or neglects to apply for such benefits within 30 days of written notification without good cause, the entire assistance unit shall be ineligible to receive cash assistance." N.J.A.C. 10:90-1.12.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's ("AU") countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a).

In order to be eligible for Work First New Jersey/General Assistance ("WFNJ/GA") benefits, the total countable income of the unemployable single adult, or couple without dependent children, must be equal to or less than the maximum benefit payment level for the size of the assistance unit as set out in Schedule V at N.J.A.C. 10:90-3.6(a). See N.J.A.C. 10:90-3.1(b)(1). Effective July 1, 2019, the maximum benefit level for an unemployable WFNJ/GA AU, consisting of one person, is \$277 per month. See N.J.A.C. 10:90-3.6(a); see also DFD Informational Transmittal ("IT") No. 19-21.

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



An independent review of the record in this matter reveals that Petitioner began receiving WFNJ/GA benefits on October 4, 2024, in the amount of \$277 per month, and SNAP benefits in the amount of \$292 per month. See Initial Decision at 3. On November 18, 2024, Petitioner applied for EA benefits and was placed in a motel placement. *Id.* at 3; see also Exhibits EA R-1, R-2, R-3. On January 30, 2025, the Agency became aware that Petitioner was approved for Retirement, Survivors, and Disability Insurance ("RSDI") benefits in the amount of \$1,425 per month. See Initial Decision at 2; see also Exhibit GA R-4. Thereafter, on February 14, 2025, the Agency terminated Petitioner's WFNJ/GA benefits. *Ibid.* On February 25, 2025, the Agency terminated Petitioner's EA benefits. See Initial Decision at 2; see also Exhibit EA R-8. On March 3, 2025, the Agency performed a recalculation of SNAP benefits, including Petitioner's RSDI benefits, which resulted in a reduction of Petitioner's SNAP benefits from \$292 per month to \$23 per month. See Initial Decision at 2; see also Exhibit GA R-4.

The ALJ found that Petitioner's monthly income of \$1,425 of RSDI exceeded the maximum allowable income level of \$278 for continued receipt of WFNJ/GA benefits. See Initial Decision at 1, 3; see also Exhibit GA R-4, and N.J.A.C. 10:90-3.4(a), (b), -3.5(a), (b), and DFD IT No. 19-21. Based on the foregoing, the ALJ concluded that the Agency's termination of WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 3. While I agree with the ALJ's ultimate conclusion in this matter, the ALJ applied the incorrect amount for an employable WFNJ/GA recipient at initial application, rather than for an unemployable WFNJ/GA benefits recipient. See N.J.A.C. 10:90-3.6(a) and DFD IT No. 19-21. As Petitioner had already been receiving WFNJ/GA benefits in the unemployable benefit amount of \$277, and Petitioner's unearned income from RSDI benefits exceeded that amount, I find that the Agency correctly terminated Petitioner's WFNJ/GA benefits. See Exhibit GA R-4. The Initial Decision is modified to reflect the above analysis and findings.

The ALJ further found that, because Petitioner is neither a WFNJ or SSI benefits recipient, she is ineligible for EA benefits, and as such, concluded that the Agency's termination of Petitioner's EA benefits was also proper and must be affirmed. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.2(a). I agree.

As to the SNAP reduction in benefits amount, regulatory authority applicable to SNAP benefits cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits for both adults and children in the household. See N.J.A.C. 10:87-5.5(a)(2).

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. Further, N.J.A.C. 10:87-6.16(b) outlines the procedures used to calculate both gross and net income for SNAP benefits purposes, and the applicable benefit levels, if eligible. The regulation provides that the applicant's monthly net income is determined by adding together all earned and unearned income, then subtracting all income exclusions. Then, the standard deduction, based upon the size of the household, is subtracted from the income.

Thereafter, the household is evaluated to determine if a medical deduction is appropriate, which is if the household has medical expenses that exceed \$35.00. If the household is entitled to a medical deduction, then the amount in excess of \$35.00 is subtracted from the applicant's income. Then, the applicant is evaluated for an excess shelter deduction. Such a deduction is permitted when the individual's shelter costs exceed 50% of their net income. If this deduction is allowable, then the difference between the shelter costs and the 50% net income, or up to the maximum allowable amount, is subtracted from the individual's income. The remaining figure is Petitioner's net income for SNAP benefits purposes. This net income is then compared against the maximum allowable net income amount for the household's size, as outlined at N.J.A.C. 10:87-12.3, to determine eligibility. If eligible, the household's monthly SNAP allotment shall be equal to the maximum food stamp allotment for the household's size, reduced by 30 percent of the household's net monthly income. See N.J.A.C. 10:87-12.6(a)(1).

The record reflects that Petitioner's household is comprised of one person, and that Petitioner's household income is comprised solely of unearned income in the form of monthly RSDI benefits in the amount of \$1,425. See Initial Decision at 3-4; see also Exhibits GA R-3, GA R-4; see also N.J.A.C. 10:87-5.5(a)(2). The household has no earned income. See N.J.A.C. 10:87-6.16(b)(2), (3). As Petitioner's household contains a permanently disabled person, only the net income standard must be met for continued SNAP eligibility. See N.J.A.C. 10:87-6.16(d)(1); see also N.J.A.C. 10:87-2.34(a)(2) (defining a disabled household member as one who received Social Security benefits, including those under Title II, known as RSDI benefits). The unearned income was confirmed by the Social Security Administration, and after factoring the monthly unearned income into the SNAP eligibility calculations, and after application of the standard deduction for



a household of one person of \$204, together with the inclusion of the Heating and Cooling Standard Utility Allowance ("HCSUA") of \$878, the household's net income, for SNAP eligibility purposes, was calculated to be \$953.50 per month. See Initial Decision at 3-4; see also Exhibit GA R-3; and N.J.A.C. 10:87-6.16(b)(8). That amount is then multiplied by .3 and rounded up, or \$287. See N.J.A.C. 10:87-12.6(a)(1)(i)-(ii). That amount is then subtracted from the maximum benefit for a household of one, \$292- \$287, resulting in an allotment amount of \$5. See N.J.A.C. 10:87-12.6(a)(1)(iii); see also DFDI 24-10-04 at 12. However, as a household of one person, Petitioner's household is eligible for the minimum allotment amount, which, at the time of the Agency's determination in this matter, was \$23, and which was so reflected on the Agency's February 14, 2025, adverse action notice. See N.J.A.C. 10:87-12.6(a)(2); see also 7 CFR 273.10(e)(2)(ii)(C), DFDI 24-10-04 at 12, and Exhibit GA R-4. The ALJ in this matter concluded that the Agency had properly calculated the net income for Petitioner's household, and reduced Petitioner's SNAP benefits, effective March 1, 2025, in accordance with the new calculation. See Initial Decision at 3-4. Accordingly, the Agency's reduction of Petitioner's SNAP benefits in this matter was proper and must stand. See Initial Decision at 4. Based on the foregoing, I agree, but modify the Initial Decision in this case to include the above analysis and findings.

By way of comment, at such time that Petitioner has rental costs, Petitioner shall notify the Agency so that they may be included in the SNAP allotment calculations.

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

Officially approved final version. July 08, 2025

Natasha Johnson
Assistant Commissioner

