



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
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 15394-24 F.S.

AGENCY DKT. NO. C122249008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits at recertification. The Agency denied Petitioner 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 for a hearing. On December 5, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On December 9, 2024, 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. Additionally, for SNAP benefits cases, unearned income includes child support or alimony payments made directly to the household by non-household members. See N.J.A.C. 10:87-5.5(a)(5).

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 began the recertification for SNAP benefits in August 2024. See Initial Decision at 2. As a result of the recertification interview conducted, whereby Petitioner advised the Agency that she was returning to work, the Agency sent Petitioner a Request for Verification. Ibid. In response to the Request for Verification, Petitioner provided documentation pertaining to her earned income, including paystubs. See Initial Decision at 2-3; see also Exhibit



R-1 at 20-27. After averaging the four weekly paystub amounts, and then applying the correct multiplier of 4.333, the Agency determined Petitioner's monthly earned gross income to be \$4,278.01. See Initial Decision at 3; see also Exhibit R-1 at 39 and N.J.A.C. 10:87-6.9(d)(1). Additionally, Petitioner receives unearned income in the form of weekly child support payments in the amount of \$203.07, or the monthly amount, after application of the multiplier of 4.333, of \$879.90, which is rounded up to \$880. See Initial Decision at 3. The household's total gross income is the amount of Petitioner's monthly earned income, \$4278, plus the monthly unearned income of \$880, or \$5,158. Ibid. There is no indication in the record that Petitioner, or anyone in the SNAP household, is handicapped, disabled or elderly, and as such, 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 three persons, is \$3,981, and as Petitioner's household's gross income is over that threshold, Petitioner's household was determined to be ineligible for continued SNAP benefits. See Initial Decision at 3, 5; see also DFD Instruction ("DFDI") 24-10-04 at 14. 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 5. I agree. Additionally, I also agree with the ALJ that the fact that the Agency's denial notices erroneously state that Petitioner's household is comprised of four persons, the household size is actually three persons; nonetheless, despite this error, the outcome is the same. See Initial Decision at 3, fn 3; see also Exhibit R-1 at 43-47.

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

Officially approved final version. January 02, 2025

Natasha Johnson
Assistant Commissioner

