



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

TRENTON, NJ 08625-0716

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 17620-24 I.L.

AGENCY DKT. NO. **S465182014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

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 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 February 11, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On February 19, 2025 the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner on March 4, 2025.

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 MODIFIED and the Agency's 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. "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). 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.

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, based on an independent review of the record, Petitioner applied for SNAP benefits on September 23, 2024, for a household of three persons. See Exhibit R-1 at 1-16. There is no indication in the record that any household member 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 for a household of three persons, at the time of Petitioner's application for SNAP benefits, was \$3,833. See DFD Instruction ("DFDI") 23-09-01 at 13. Based on the supporting documentation provided, the Agency calculated Petitioner's total monthly gross household income to be \$4,340. See Initial Decision at 2; see also Exhibit R-1 at 24 and N.J.A.C. 10:87-6.16(b). This was reached by taking an average of the two bi-weekly paystubs Petitioner had provided, $\$1,804.73 + \$2,001.66 = \$3,806.39 / 2 = \$1,903.20$, and then multiplying that amount by the required bi-weekly multiplier of 2.167 for a total monthly earned income amount of \$4,124.22. See Exhibit R-1 at 17, 18; see also N.J.A.C. 10:87-6.9(d)(1). To that amount was added the unearned income of \$100 provided to Petitioner bi-weekly from her children's father, also multiplied by 2.167, for a total monthly unearned income of \$216.70, for a total monthly household gross income amount of \$4,340.70. See Exhibit R-1 at 19, 24. As this amount exceeds the maximum allowable gross income amount of \$3,833, by notice dated October 22, 2024, the Agency denied Petitioner's application for SNAP benefits. See Exhibit R-1 at 26 - 30. Based on the foregoing, I agree with the ALJ's ultimate conclusion in this matter 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. The Initial Decision is modified, however, to reflect the above correct analysis and legal authority, and to further clarify that the household's income does not include survivor's benefits paid to one of Petitioner's children, as had been inaccurately stated by the ALJ.

By way of comment, I note that the documentation submitted with Petitioner's Exception states that her minor child is considered disabled by the Social Security Administration, however, pursuant to the SNAP regulations, in order to be defined as disabled, the individual must actually be receiving Social Security benefits, or receiving medical assistance benefits as a disabled individual under the programs enumerated in N.J.A.C. 10:87-2.34(a)(11), neither of which is evidenced in this matter, and thus the household's eligibility cannot be calculated as that of a disabled household using only net income threshold. See N.J.A.C. 10:87-2.34(a)(2), -2.24(a)(11), -6.16(d)(2).

By way of further comment, Petitioner is without prejudice to reapply for SNAP benefits should her circumstances change, particularly if her child meets any of the regulatory definitions for a disabled individual at N.J.A.C. 10:87-2.34(a). Petitioner is advised to communicate directly with the Agency with regards to any such application.

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

Officially approved final version. April 02, 2025

Natasha Johnson
Assistant Commissioner

