



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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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 **14591-24 N.E.**

AGENCY DKT. NO. **C064775018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner challenges the Respondent Agency's denial of retroactive Supplemental Nutritional Assistance Program ("SNAP") benefits allotments for September 2024, and part of October 2024, as well as the determined monthly SNAP benefits allotment amount. The Agency denied retroactive SNAP benefits for September 2024, and part of October, 2024, as, at that time, Petitioner's gross income exceeded the maximum allowable income amount. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 12, 2024, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On November 18, 2024, the ALJ issued an Initial Decision, affirming the Agency's denial for retroactive SNAP benefits and also affirming the Agency's calculation of Petitioner's monthly SNAP benefits allotment amount.

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, I hereby MODIFY the Initial Decision, and AFFIRM the Agency determinations, 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).

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).

An independent review of the record shows that Petitioner submitted a recertification application for SNAP benefits on July 16, 2024. See Exhibit R-1 at 9-11. Documentation submitted by Petitioner to verify income, showed combined



earned income for the household totaling \$5,090. Id. at 14-17. As the household's gross income exceeded the maximum allowable gross income amount for the household size of four persons of \$4,625, the Agency denied Petitioner's application for continued SNAP benefits, effective September 1, 2024. Id. at 7, 19; see also DFD Instruction 23-09-01 at 13.

The record then shows that on or about October 22 and 25, 2024, new paystubs were submitted to the Agency. See Exhibit R-1 at 27-30. Using the newly submitted paystubs, Petitioner was determined to be eligible for SNAP benefits with a monthly allotment amount of \$146, and a partial retroactive amount for October 2024, of 43. Id. at 21, 25. Based on the date of the newly submitted documentation, the ALJ found that the Agency's denial of Petitioner's request for retroactive benefits for September 2024, and full monthly retroactive benefits for October 2024, was proper and must stand. See Initial Decision at 4. I agree. Additionally, the ALJ found that the Agency had properly calculated Petitioner's monthly SNAP benefits amount. Ibid. Based on an independent review of the record, I also agree, but hereby modify the Initial Decision to reflect the correct monthly SNAP benefits allotment amount of \$146, rather than \$148, as stated in parts of the Initial Decision. Id. at 3, 4; see also Exhibit R-1 at 21, 25.

Additionally, while not directly stated by the ALJ, I also agree that the Agency utilized the correct household composition size in determining Petitioner's monthly SNAP benefits amount, as the record shows that one of Petitioner's children attending college does not meet the eligibility criteria, as stated in N.J.A.C. 10:87-3.14, for inclusion in the household for SNAP purposes. See Exhibit R-1 at 33-35; see also Initial Decision at 2-3. The Initial Decision is further modified to reflect this finding.

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

Officially approved final version. January 02, 2025

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Natasha Johnson  
Assistant Commissioner

