



# 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 **21652-25 J.A.**

AGENCY DKT. NO. **S587680012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for 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 March 10, 2026, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record was then held open to allow for the submission of additional documentation and closed on March 13, 2026. On March 25, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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.

In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. N.J.A.C. 10:87-6.16 outlines the procedures used to calculate net income and benefit levels for SNAP recipients. 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. 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).



Here, the record reveals that Petitioner applied for SNAP benefits, on November 1, 2025, on behalf of a household of three, including himself, his adult daughter, and his minor son. See Initial Decision at 2; see also Exhibits R-1, R-2. Petitioner indicated in his application that his daughter was a full-time college student and did not indicate that she participated in a work-study program, however, at some time thereafter he clarified that his daughter was enrolled in a work-study program. See Initial Decision at 2. Further, Petitioner explained that his daughter attended college in a “hybrid” manner where she attended some classes in person and some classes virtually online. Ibid.; see also Exhibit R-1. A review of the class schedule provided by Petitioner to the Agency, however, listed six courses, only one of which was identified as an “online course.” See Initial Decision at 2; see also Exhibit R-5. Petitioner additionally produced an undated document, with no student identifying information, that included information about a “Federal College Work-Study.” See Initial Decision at 2-3; see also Exhibit R-5.

Based upon the information provided within the application, and subsequently, the Agency determined on December 3, 2025, that Petitioner’s daughter was not a member of the household for SNAP purposes and denied the SNAP benefits application as Petitioner’s countable monthly income of \$3,332 exceeded the maximum gross income threshold amount allowed for a household of two, which at the time was \$3,261. See Initial Decision at 3; see also Exhibits R-3, R-6, R-7.

Later in December, 2025, at least two Agency representatives spoke with Petitioner and documented that Petitioner’s daughter would return to the home during weekends and during school breaks and noting that she was accepted into a work-study program but was not actively participating as no positions were available. See Initial Decision at 3; see also Exhibit R-9. Petitioner testified that he disagreed with the notes documented by Agency staff, indicating that he never stated his daughter was not working, only that she would not be paid until January, 2026, following a training period for her work-study program. See Initial Decision at 3. Petitioner further testified that his daughter frequently traveled back and forth between home and college, and that although her class schedule indicated in-person classroom locations that all of her classes could be viewed online. See Initial Decision at 3-4.

A request was then made that Petitioner produce documentation of his daughter’s acceptance into the work-study program, her work-study schedule, and proof of any payments she received related to her work-study, and, following the hearing, Petitioner provided some emails discussing a training program, however, none of the emails refer to a work-study program. See Initial Decision at 4; see also Exhibit P-1.

The ALJ correctly analyzed that, in accordance with N.J.A.C. 10:87-3.14, a child who does not work while they are attending college, and does not otherwise meet the SNAP eligibility criteria for full-time college students, as outlined in N.J.A.C. 10:87-3.14(d), cannot be included in a SNAP household. See Initial Decision at 4-5. Further, the ALJ analyzed N.J.A.C. 10:87-2.3(a) regarding “non-household” members, including those enrolled in post-secondary education, and noting that those persons shall not be considered household members when determining household eligibility for SNAP benefits. See Initial Decision at 5. Based upon the criteria of N.J.A.C. 10:87-3.14(d), there is an exemption which applies for students who are participating in a work-study program during the school year, however, to qualify for the exemption, the student must be 1) approved for work-study at the time of the application for SNAP benefits, 2) the work-study must be approved for the school term, and 3) the student must anticipate that they will actually participate in the work-study during that time. Based on the foregoing, the ALJ concluded that Petitioner failed to demonstrate, by a preponderance of the credible evidence, that his daughter was accepted to a work-study program at the time he submitted his application for SNAP benefits, that she was accepted to a work-study program for the school term, and that she actually anticipated working during that time, and as such, the ALJ found that the Agency properly denied his application for SNAP benefits, based upon his income exceeding the maximum gross income threshold amount allowed for his household size. See Initial Decision at 5-6. I agree.

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

Officially approved final version. April 17, 2026

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Natasha Johnson  
Assistant Commissioner

