



# 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 **00725-26 V.L.**

AGENCY DKT. NO. **S457815014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner challenges the Respondent Agency's reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits. Petitioner's SNAP benefits were reduced as a result of household earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 19, 2026, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On March 5, 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 also 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.

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).

N.J.A.C. 10:87-6.16 then 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 Agency received a SNAP benefits recertification application from Petitioner on November 13, 2025, and, on that same date, sent Petitioner a Request for Verification asking for verification of her pay for the prior 30-day period from her employers, as well as proof of child support payments. See Initial Decision at 2; see also Exhibit R-2. Petitioner is employed, part-time, with two different employers. See Initial Decision at 2. For the first employer, Petitioner is employed hourly, in three-hour increments, and thus, upon receipt of her employment information, the Agency calculated a monthly average of anticipated income during the recertification period to be \$765 (180 days of employment x 3 hour shifts x \$17 pay per hour = \$765). *Ibid.*; see also Exhibit P-1. In addition, with the paystubs provided, the Agency used the same formula to calculate a \$761 monthly income. See Initial Decision at 2; see also Exhibit R-4. For the second employer, Petitioner is a salaried employer, and thus, the Agency took the total amount of her salary (\$6,180) and divided it by twelve months, to determine a \$515 monthly salary. See Initial Decision at 2. Further, Petitioner receives social security benefits, in the form of Retirement, Survivors, and Disability Insurance ("RSDI") of \$1,867 per month, from which \$216.70 is deducted due to a child support obligation, thus she receives \$1,650.30 per month of unearned income. See Initial Decision at 3; see also Exhibits R-6, R-7.

Petitioner does not dispute any of amounts received as income, however, she disputes the Agency's averaging to determine monthly income figures. See Initial Decision at 3. At the time of the hearing, Petitioner testified that her hours fluctuate and that an average of her monthly income is not reflective of the income actually received. *Ibid.* SNAP regulations, at N.J.A.C. 10:87-6.9, specifically address the averaging of income, which is required by the Agency when income fluctuations may occur over the certification period of the SNAP household. *Ibid.*; see also N.J.A.C. 10:87-6.9(f).

The ALJ concluded that the Agency utilized the information provided by Petitioner's employer, as well as the paystubs provided, in order to determine Petitioner's average monthly income. See Initial Decision at 4. Income averaging was only necessary in regards to one of Petitioner's employers, as the other calculation was yearly salary divided by months of the year. *Ibid.* Having reviewed the Agency's calculations in the record, the ALJ found that the income attributed to each employer for Petitioner was proper. *Ibid.* Based upon the testimonial and documentary evidence produced at the hearing, the ALJ found that the Agency properly reduced Petitioner's SNAP benefits amount in accordance with her verified gross earned income. See Initial Decision at 4-5. I agree.

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

Officially approved final version. April 09, 2026

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Natasha Johnson  
Assistant Commissioner

