



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 12620-23 M.P.

AGENCY DKT. NO. S644222012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), Emergency Assistance ("EA"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency terminated Petitioner's WFNJ/GA benefits and SNAP benefits for failure to provide information necessary to determine continued eligibility, and terminated her EA benefits because she was no longer a WFNJ, nor a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 18, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 29, 2024, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's ("AU") countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for a WFNJ/GA benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA AU, with benefit of the appropriate disregards set forth in N.J.A.C. 10:90-3.8 for earned income, if applicable, is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). Effective July 1, 2019, the benefit level for an employable WFNJ/GA AU, consisting of two persons, is \$254 per month. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") No. 19-21.

Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income, as well as residency. See N.J.A.C. 10:87-2.19, -2.20. Without said verification of required information, SNAP eligibility cannot be determined or granted. *Ibid.*

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). The maximum allowable gross income amount for SNAP eligibility, for a household of two persons, in September 2023, was \$2,823, and in November 2023, was \$3,041. See DFD Instruction ("DFDI") 22-09-02 at 14 and DFDI 23-09-01 at 13.

Here, the record reflects that Petitioner had been receiving WFNJ/GA, EA and SNAP benefits at the time of her redetermination for WFNJ/GA benefits in September 2023, as well as her recertification for SNAP benefits at that same time. See Initial Decision at 2-3, 6. The record reflects that the household is comprised of two persons, Petitioner and A.R. See Exhibit R-1 at 2. Following receipt of Petitioner's redetermination application, the Agency sent Petitioner requests for verification. See Initial Decision at 6; see also Exhibit R-1 at 3-10. Petitioner provided some income information, but incomplete income information and bank statements for A.R. See Initial Decision at 7. As a result, on September 25, 2023, the Agency noticed Petitioner that her SNAP case would close, effective November 1, 2023, for failure to provide information. Ibid. On October 3, 2023, the Agency noticed Petitioner that her WFNJ/GA benefits case would close for failure to provide information, as well as for excess income over the eligibility limit. Ibid. On October 10, 2023, the Agency noticed Petitioner that, as Petitioner's WFNJ case had closed, and because neither Petitioner, nor A.R., were WFNJ or SSI benefits recipients, EA benefits would terminate effective November 10, 2023. Ibid. Thereafter, on November 14, 2023, Petitioner submitted additional paystubs, both for herself and A.R. Ibid. Based on the submitted paystubs, the Agency recalculated Petitioner's eligibility and on November 14, 2023, notified Petitioner that the household's SNAP benefits case would remain closed due to excess income over the gross income eligibility threshold. Id. at 7-8. Following a thorough and comprehensive outlining of the facts in this matter, and application of the relevant law to those facts, the ALJ concluded that the Agency determinations in this matter were proper and must stand. Id. at 9-12. Specifically, the ALJ concluded that, with respect to the closure of Petitioner's SNAP benefits case, Petitioner had not provided complete income information, and even after submitting same, Petitioner's monthly household gross income was calculated to be \$4,388, which exceeded the maximum allowable gross income level for the household size, \$3,041. Id. at 9-10; see also N.J.A.C. 10:87-6.16(d)(2) and DFDI 23-09-01 at 13. Similarly, the assistance unit's income exceeded the benefit level amount for continued WFNJ/GA eligibility, and by extension, because the assistance unit was no longer eligible for WFNJ benefits, and neither assistance unit member was an SSI benefits recipient, the ALJ also concluded that the termination of both WFNJ and EA benefits was correct. See Initial Decision at 10-12; see also N.J.A.C. 10:90-3.5(b), DFD Informational Transmittal ("IT") No. 19-21, N.J.A.C. 10:90-6.2(a). Based on an independent review of the record, I agree.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determinations are AFFIRMED, as outlined above.

Officially approved final version. March 12, 2024

Natasha Johnson
Assistant Commissioner

