



# 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 12603-23 M.R.

AGENCY DKT. NO. C434915004 (CAMDEN-CCBSS)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits at recertification. The Agency denied Petitioner SNAP benefits at recertification, 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. A prehearing conference was held on the matter on January 8, 2024. On February 2, 2024 Kimberley M. Wilson, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record remained open for the parties to submit additional documentation and then closed on February 7, 2024. On February 21, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

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.

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 in this matter reflects that Petitioner submitted a recertification application for SNAP benefits on March 21, 2023, for a household of one person. See Exhibit R-1 at 12-18. The Agency denied Petitioner's application for SNAP benefits at recertification by notice dated April 20, 2023, on the basis that the household's monthly



gross income exceeds the allowable maximum gross income amount for a household of one person, which, at that time, was \$2,096. See DFD Instruction (“DFDI”) 22-09-02 at 14. There is no indication in the record that any household member is handicapped, disabled or elderly, and as such, the household must meet 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 record further reflects that, based on the documentation submitted, the household’s gross income, for SNAP eligibility purposes was calculated to be \$2268 from earned income. See Exhibits R-1 at 6. As such, Petitioner exceeded the maximum allowable gross income threshold, and the ALJ agreed that the Agency had properly denied Petitioner SNAP benefits at recertification. See Initial Decision at 6. Petitioner maintained that her housing costs should have been taken into account in making her SNAP eligibility determination. Id. at 4, 6. Petitioner is advised, however, that as she is not handicapped, disabled or elderly, she must meet both the gross and net income tests. See N.J.A.C. 10:87-6.16(d)(2). If the maximum allowable gross income threshold is exceeded, the eligibility calculations go no further, and any deduction for shelter expenses and the application of Heating and Cooling Standard Utility Allowance (“HCSUA”), amongst others, are not reached. See N.J.A.C.10:87-6.16. Based on the foregoing, I agree with the ALJ that the Agency’s denial of SNAP benefits at recertification, for exceeding the maximum allowable gross income threshold, was proper and must stand. See Exhibit R-1 at 1-2.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits should her circumstances warrant.

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

Officially approved final version. March 27, 2024

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Natasha Johnson  
Assistant Commissioner

