



## 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 **00591-24 S.L.**

AGENCY DKT. NO. **C063452021 (WARREN CO. DIV TEMP ASST & SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner 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 January 30, 2024, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On February 6, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner on March 4, 2024.

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 MODIFIED and the Agency's 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).

Here, based on independent review of the record, Petitioner applied for SNAP benefits on September 28, 2023, for a household of four persons. See Exhibit R-1 at Schedule A. The maximum allowable gross income for a household of four persons is \$4,625. See DFD Instruction ("DFDI") 23-09-01 at 13. Based on the supporting documentation provided, specifically, paystubs reflecting earned income received as wages, the Agency calculated Petitioner's monthly household income to be \$6,250. See Exhibit R-1 at Schedule B; see also See N.J.A.C. 10:87-5.4(a)(1). As such, by notices dated



October 18, 2023, the Agency denied Petitioner's application for SNAP benefits on the basis that the household's monthly gross income exceeds the allowable maximum gross income amount for the household size. See Exhibit R-1 at Schedules D, M. There is no indication in the record that any household member is handicapped, disabled or elderly, and as such, the household must meet the 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). Based on the documentary and testimonial evidence presented in this case, the ALJ in this matter found that the Agency's denial, based on excess income over the gross income threshold, was proper and must stand. See Initial Decision at 4-5. I agree, however, the Initial Decision is hereby modified to reflect that it was the gross income threshold that was exceeded in this case, and not net income threshold, as stated in the text of the Initial Decision.

By way of comment, I have reviewed the Exceptions submitted by Petitioner, and I find that the arguments made therein do not alter my decision in this matter, as the correct regulatory authority, applicable to SNAP benefits eligibility determinations, was properly utilized by the Agency in this case. See N.J.A.C. 10:87-5.3, -5.4(a)(1).

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

Officially approved final version. March 12, 2024

---

Natasha Johnson  
Assistant Commissioner

