



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
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 03534-20 C.A.

AGENCY DKT. NO. S624654012 (MIDDLESEX COUNTY BD. OF 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 July 7, 2020, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On August 11, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner on August 12, 2020.

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.

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. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits for both adults and children in the household. See N.J.A.C. 10:87-5.5(a)(2).

In accordance with N.J.A.C. 10:87-6.16(d)(2), in determining SNAP benefits eligibility, households that do not contain an elderly or 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, the record reflects that Petitioner's SNAP household is comprised of four people, including Petitioner and her three children. See Initial Decision at 2; see also Exhibit R-B at 1. The record further shows that Petitioner receives Retirement, Survivors and Disability Insurance ("RSDI") benefits in the amount \$1643 per month, as well as pension benefits, as the beneficiary of her deceased husband, in the amount of \$442.05. See Initial Decision at 2; see also Exhibits R-C and R-F. Additionally, two of Petitioner's children also each receive monthly RSDI benefits in the amount of \$1643 per month, as the survivors of their deceased father. See Initial Decision at 2; see also Exhibits R-D, R-E and R-I. These combined amounts, \$1643 + \$442 + \$1643 + \$1643, or \$5371, constitute the household's unearned income. See Initial Decision at 3; see also Exhibit R-A at 2 and Exhibit R-K at 2. When calculating a household's SNAP gross income, 80% of earned income, is added to the total amount of unearned income. See N.J.A.C. 10:87-6.16(b)(1), (2). However, Petitioner's household has no earned income, and as such, the gross income for Petitioner's household is \$5371. See Initial Decision at 3; see also Exhibit R-A at 2 and Exhibit R-K at 2.

No evidence was presented by Petitioner that either herself, or any of her children, are elderly or disabled, and therefore, in order to be eligible for SNAP benefits, Petitioner must meet both the gross income test, and the net income test. See Initial Decision at 4-5; N.J.A.C. 10:87-6.16(d)(2). The maximum allowable gross income level to receive benefits for a household of four is \$3970. See N.J.A.C. 10:87-12.4 and DFD Instruction ("DFDI") 19-09-01 at 13; see also Exhibit R-H. As Petitioner must meet both the gross income and net income requirements for receipt of SNAP benefits, and Petitioner does not meet the gross income test, Petitioner is ineligible to receive SNAP benefits. See N.J.A.C. 10:87-6.16(d)(2). There is no need to calculate Petitioner's net income, which would provide applicable deductions for shelter and utilities, in this matter because the gross income test has not been met. Based on the foregoing, I agree with the ALJ that the Agency properly denied Petitioner SNAP benefits, both in February 2020, and in June 2020. See Initial Decision at 5; see also Exhibits R-A and R-K.

By way of comment, in her Exceptions, as well as during the fair hearing before the ALJ, Petitioner cited to Medicaid regulations. Petitioner is advised, however, that Medicaid is a distinct and separate program, with its own set of regulatory requirements, and which have no application to SNAP eligibility. Therefore, Petitioner's reliance on Medicaid's regulatory authority, for a SNAP proceeding, is misplaced.

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

AUG 25 2020

Officially approved final version.

Natasha Johnson
Assistant Commissioner

