



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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

AMENDED DECISION

OAL DKT. NO. HPW 05676-20 R.M.

AGENCY DKT. NO. C147452015 (OCEAN COUNTY BOARD OF SOC. SVCS)

A Final Agency Decision ("FAD") was issued in this matter on September 29, 2020. This Amended FAD is being issued to recognize receipt of Exceptions filed by Petitioner, and received by this office on October 6, 2020.

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's 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 August 28, 2020, the Honorable Kim C. Bolin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On September 11, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner on October 6, 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, 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. 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).

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. 10:87-2.36 and -12.4.



Here, the record reflects that Petitioner's SNAP household is comprised of three people. See Initial Decision at 2; see also Exhibit R-4. The record further shows that Petitioner's wife has earned income, budgeted to the average monthly amount of \$1,560.81. See Initial Decision at 2; see also Exhibit R-3. Then, to that amount is added the total amount of monthly unearned income to determine the household's total gross income amount. See N.J.A.C. 10:87-6.16(b). The record indicates that Petitioner receives unearned income in the form of monthly Long Term Disability Insurance benefits in the amount \$2,207.98. See Initial Decision at 2; see also Exhibit R-2. Combining the household's earned and unearned income amounts, or \$1,560.81 + \$2,207.98, results in a total household gross income of \$3,768.79. See Initial Decision at 3; see also N.J.A.C. 10:87-6.16(b). For SNAP benefits eligibility, the maximum gross income level for a household of three people is \$3,289.00. See Exhibit R 7; see also DFD Instruction ("DFDI") 19 09 01 at 11. As Petitioner's household's gross income of \$3,768.79 exceeds the maximum income eligibility amount of \$3,289.00, Petitioner is no longer eligible for SNAP benefits. Ibid.

Based on the foregoing, I agree with the ALJ that the Agency's termination of Petitioner's SNAP benefits, for excess income over the gross income eligibility standard, was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-6.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that they do not alter my decision in this matter. Moreover, Petitioner included documents with his Exceptions which were not introduced before the ALJ at the hearing. I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ. See N.J.A.C. 1.1-18.4(c). Additionally, the documentation submitted by Petitioner does not substantively effect the calculation of the household's gross income as discussed above.

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

OCT - 6 2020

Officially approved final version.

Natasha Johnson
Assistant Commissioner

