



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

PO BOX 716
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 **05598-20 T.R.**

AGENCY DKT. NO. **C128004006 (CUMBERLAND 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 total 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 September 9, 2020, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On September 16, 2020, 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. Additionally, for SNAP benefits cases, unearned income includes child support payments made directly to the household from non-household members. See N.J.A.C. 10:87-5.5(a)(5).

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 three people, including Petitioner and two children. See Initial Decision at 2; see also Exhibit R-1 at 15. The record further shows that Petitioner has earned income in the amount of \$3,304 per month. Ibid.; see also Exhibit R-1 at 16-17. Additionally, Petitioner receives unearned income in the form of child support payments, from two separate claims, totaling \$1,135. See Initial Decision at 2; see also Exhibit R-1 at 15, 20-21. Combining the household's earned and unearned income amounts, or \$3,304 + \$1,135, results in a total household gross income of \$4,439. See Initial Decision at 2; see also N.J.A.C. 10:87-6.16(b). 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). For SNAP benefits eligibility, the maximum gross income level for a household of three people is \$3,289. See N.J.A.C. 10:87-12.4 and DFD Instruction ("DFDI") 19-09-01 at 13. As Petitioner must meet both the gross income and net income requirements for receipt of SNAP benefits, and Petitioner's total gross income of \$4,439 clearly exceeds the maximum gross income level of \$3,289, Petitioner does not meet the gross income test, and therefore, Petitioner is ineligible to receive SNAP benefits. See N.J.A.C. 10:87-6.16(d)(2).

Based on the foregoing, I agree with the ALJ that the Agency's denial of Petitioner's application for SNAP benefits, due to excess income over the gross income eligibility standard, was proper and must stand. See Initial Decision at 5; see also Exhibit R-1 at 2.

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

Officially approved final version.

SEP 29 2020

Natasha Johnson
Assistant Commissioner

