



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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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 05261-21 A.G.

AGENCY DKT. NO. C254702020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's SNAP benefits for failure to provide mandatory verification. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 9, 2021, the Honorable William T. Cooper, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing and took testimony. The record was held open for the submission of documentation and then closed on July 12, 2021. On July 22, 2021, 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 MODIFIED, and the Agency determination is AFFIRMED, based on the discussion below.

N.J.A.C. 10:87-2.19 requires the Agency to verify certain information in order to determine eligibility for SNAP benefits, including non-exempt gross income.

Regulatory authority applicable to SNAP benefits cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3.

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, an independent review of the record reflects that Petitioner applied for SNAP benefits on January 5, 2021. See Exhibit R-1. While the Initial Decision states that Petitioner provided paystubs with her application, the paystubs in the record show that they were stamped "received" on July 1, 2021. See Exhibit R-2. I also note that Petitioner's children do not appear to be listed on Petitioner's SNAP application, as required. See Exhibit R-1. The denial notice, issued by the Agency on February 11, 2021, requested that Petitioner "[p]rovide proof of income from the last 30 days (2 most recent and consecutive paystubs if paid biweekly or 4 most recent and consecutive paystubs if paid weekly)." See Exhibits P-4, R-4. The notice further states that Petitioner "could also provide proof of your shelter costs and utility expenses which are optional and for credit only." Ibid. The record reflects that Petitioner failed to provide the requested information, and instead, requested a fair hearing, and that basis, I find that the Agency properly denied Petitioner SNAP benefits on February 11, 2021, and that action is thereby affirmed. Ibid. The Initial Decision is modified to reflect the above findings.

The ALJ in this matter then went on to find that Petitioner's total household gross income was over the maximum allowable for the household size, and as such, Petitioner was ineligible for SNAP benefits. See Initial Decision at 4-5. Petitioner's SNAP household is comprised of Petitioner and her two minor children. See Initial Decision at 2. The maximum permissible gross income for a household of three persons is \$3,349. See DFD Instruction ("DFDI") 20-09-04 at 13. The record further shows that Petitioner's total household gross income is comprised of earned income, plus monthly child support payments, which total \$3,628. See Initial Decision at 2. Based on the foregoing, the ALJ found that the Agency properly denied Petitioner SNAP benefits based on excess income over the maximum permissible level. See Initial Decision at 4-5. Based on the record presented, I agree. Additionally, it should be noted that, if the gross income test is not met in cases such as this, where there is no elderly or permanently disabled household member, calculation of the household's net income, and application of household expenses in the eligibility calculation, is unnecessary. Therefore, Petitioner's assertions that the Agency's failure to apply shelter and utility expenses would have rendered her eligible for SNAP benefits, is misplaced. See Initial Decision at 3, 4.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits, but must provide the Agency with all documentation required to determine eligibility. See N.J.A.C. 10:87-2.2, -2.19.

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

Officially approved final version.

AUG 10 2021

Natasha Johnson
Assistant Commissioner

