



State of New Jersey

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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 03796-21 B.B.

AGENCY DKT. NO. C089390018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

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 May 25, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On May 28, 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.

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.

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 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, the record reflects that Petitioner's SNAP household is comprised of three people. See Initial Decision at 2; see also Exhibit R-1 at 2. The record further shows that Petitioner's household has earned income, budgeted to the average monthly amount of \$3,733. See Initial Decision at 2; see also Exhibit R-1 at 6-9, 22. Petitioner does not dispute the amount of earned income, but asserted that the Agency had incorrectly included child support payments in the amount of \$73, for a total of \$3806 in gross income. See Initial Decision at 2; see also Exhibit R-1 at 14, 15 and N.J.A.C. 10:87-6.16(b). However, the record clearly indicates that the Agency subsequently recalculated Petitioner's eligibility for SNAP benefits with a household gross income of \$3733, and excluding the \$73 in child support payments. See Exhibit R-1 at 22. Even with the exclusion of the child support payments, Petitioner's household gross income of \$3733 exceeded the maximum gross income level of \$3,349 for SNAP benefits eligibility, and as such, Petitioner is no longer eligible for SNAP benefits. See Exhibit R-1 at 22, 24; see also DFD Instruction ("DFDI") 20-09-04 at 13.

Based on the foregoing, I agree with the ALJ's final conclusion that the Agency's termination of Petitioner's SNAP benefits, for excess income over the maximum permissible level, was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 24. However, the Initial Decision repeatedly states that Petitioner's income was over the net income allowable, but in this instance, as there was no elderly or handicapped individual in the household, Petitioner had to meet both the gross and the net income tests for SNAP eligibility. See N.J.A.C. 10:87-6.16(d)(2). As the analysis above reflects, Petitioner did not meet the gross income test, and on that basis, the Agency properly terminated Petitioner's SNAP benefits effective May 1, 2021. See Exhibit R-1 at 14, 15, 24. Additionally, it should be noted that if the gross income test is not met in cases such as this, calculation of the household's net income is unnecessary. The Initial Decision is thereby modified to reflect these findings.

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

Officially approved final version.

JUN 10 2021

Natasha Johnson
Assistant Commissioner

