



State of New Jersey

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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 04783-21 G.C.

AGENCY DKT. NO. C066790018 (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 June 22, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On June 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 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(b) and (d)(2).

Here, the record reflects that Petitioner's SNAP household is comprised solely of Petitioner. See Initial Decision at 2. The record further shows that Petitioner receives Retirement, Survivors and Disability Insurance ("RSDI") benefits in the monthly amount of \$1,385, however, there is no indication in the record that Petitioner himself is permanently disabled or elderly, and as such, must meet the both the gross and net income tests for SNAP eligibility. See Exhibit R-1; see also N.J.A.C. 10:87-2.34(a)(1), (2), and N.J.A.C. 10:87-6.16(d)(1), (2). Additionally, the record indicates that Petitioner has earned income, in the amount of \$855. See Exhibit R-1. Adding Petitioner's unearned income, to Petitioner's earned income results in a total gross income amount of \$2,240. Ibid. The maximum allowable gross income amount for SNAP eligibility, for a household of one person, is \$1,968, and as Petitioner's gross income is over the threshold, Petitioner is ineligible for SNAP benefits. See Initial Decision at 3; 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. However, the Initial Decision incorrectly states that Petitioner's income was over the net income allowable, but in this instance, as stated above, as there is no evidence in the record to substantiate an elderly or permanently disabled individual in the household, Petitioner had to meet both the gross and the net income tests for SNAP eligibility. See Initial Decision at 4; see also 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. 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, and application of household expenses in the eligibility calculation, is unnecessary. See Initial Decision at 3. The Initial Decision is modified to reflect these findings.

By way of comment, if Petitioner has evidence of permanent disability, or is 60 years of age or older, Petitioner may reapply for SNAP benefits, and would then only need to meet the net income test. See N.J.A.C. 10:87-2.34(a)(1), (2) and N.J.A.C. 10:87-6.16(d)(1). If such evidence was previously provided to the Agency, then the Agency is directed to reevaluate Petitioner's SNAP eligibility in accordance with N.J.A.C. 10:87-2.34(a)(1), (2) and N.J.A.C. 10:87-6.16(d)(1), and if determined eligible for SNAP benefits, provide retroactive benefits accordingly. See N.J.A.C. 10:87-8.18.

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

Officially approved final version.

JUL 15 2021

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Natasha Johnson  
Assistant Commissioner

