



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 04020-21 H.N.

AGENCY DKT. NO. C108537002 (BERGEN COUNTY BD. 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 27, 2021, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On June 1, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination and directing the Agency to recalculate Petitioner's SNAP eligibility alone, without his spouse for a period of disqualification.

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. 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).

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(b)(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. For a household of two persons, such as Petitioner's,



the maximum allowable gross income level is \$2,658, and the maximum allowable net income level for said household size is \$1,437. See DFD Instruction (“DFDI”) 20-09-04 at 12, 13.

Here, the record reflects that Petitioner’s SNAP household is comprised of two persons. See Initial Decision at 2; see also Exhibit R-1. It appears that Petitioner previously had a fair hearing scheduled on March 16, 2021. Ibid. During a pre-hearing conference for that fair hearing, Petitioner indicated this his spouse was no longer working. Ibid. Based on the changed circumstance, Petitioner withdrew his fair hearing request, and the Agency proceeded to verify that representation. Ibid. Upon contacting Petitioner’s wife’s employer, it was learned that the wife was still employed, and that the household’s total income was \$3,247, comprised of Petitioner’s wife’s earned income in the monthly amount of \$2,730, and Petitioner’s monthly Supplemental Security Income (“SSI”) benefits of \$517. Ibid. This amount is more than the maximum allowable gross income of \$2,658, and as such, the Agency notified Petitioner that the household’s SNAP benefits would terminated effective May 1, 2021. See Initial Decision at 2; see also Exhibit R-2 and DFDI 20-09-04 at 13. It should also be noted that the calculated SNAP net income for the household is \$1,953, which is also above the maximum allowable net income for SNAP eligibility of \$1,437. See Exhibit R-7; see also DFDI 20-09-04 at 12.

During the course of the fair hearing in this matter, Petitioner asserted that his wife has not worked since March, 2021. See Initial Decision at 2. Petitioner’s wife further explained that she has voluntarily ceased working since March, 2021, had not requested another work assignment from her employer, and has not filed for Unemployment Insurance Benefits (“UIB”). See Initial Decision at 3. Based on the foregoing, the ALJ concluded that Petitioner’s wife had voluntarily quit work, without good cause, and as such, she is subject to a period of disqualification from SNAP benefits. See Initial Decision at 4; see also N.J.A.C. 10:87-10.5(c)(2)(ii), (vi) (stating that only the household member found to have committed the voluntary quit is ineligible for SNAP benefits, and that for the first instance of such a violation, the person is disqualified from receipt of SNAP benefits for a period of one month). As Petitioner himself may be eligible for benefits for the period of time during which Petitioner’s wife is ineligible, the ALJ ordered the Agency to recalculate Petitioner’s eligibility alone, for the period of time that his wife is disqualified from SNAP benefits eligibility. See Initial Decision at 4.

While I agree with the ALJ, that Petitioner’s wife must be disqualified from the household for a voluntary cessation of employment, without good cause, and thus Petitioner alone would be the sole member of the SNAP household, regulatory authority nonetheless requires that the income of the disqualified household member must still be counted towards the household’s total income. See N.J.A.C. 10:87-7.7(b)(2); see also N.J.A.C. 10:87-10.5(c)(2)(ii) (stating that income from the ineligible household member shall be treated in accordance with N.J.A.C. 10:87-7.7(b)). As Petitioner’s household contains a disabled person, Petitioner must meet the net income eligibility level. See N.J.A.C. 10:87-6.16(b)(1). The maximum net income level for a household of one person (excluding Petitioner’s wife) is \$1,064. See DFDI 20-09-04 at 12. The household’s net income has been determined to be \$1,953, and therefore, Petitioner remains ineligible for SNAP benefits. See Exhibit R-7. The Initial Decision is modified to include these findings.

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

JUN 22 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

