



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 05902-21 N.R.

AGENCY DKT. NO. C125245008 (GLOUCESTER COUNTY DIV. 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 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 August 6, 2021, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On August 9, 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 ADOPTED, and the Agency determination is AFFIRMED, based on the discussion below.

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, the record reflects that Petitioner's SNAP household is comprised solely of Petitioner. See Initial Decision at 2. The record further shows that Petitioner has earned income in the amount of \$1,000 biweekly, or \$2,167 monthly, after applying the appropriate multiplier of 2.167 to convert biweekly income to monthly income. *Ibid.*; see also N.J.A.C. 10:87-6.9(d)(1). There is no indication in the record that Petitioner is either handicapped, disabled or elderly, and as such, Petitioner must meet the both the gross and net income tests for SNAP benefits eligibility. See N.J.A.C. 10:87-2.34(a)(1), (2), and N.J.A.C. 10:87-6.16(d)(1), (2). As there is no indication in the record that Petitioner receives any source of unearned income, Petitioner's household gross income is \$2,167. See Initial Decision at 3; see also N.J.A.C. 10:87-6.9(d)(1). The maximum allowable gross income amount for SNAP benefits eligibility, for a household of one person, is \$1,968, and as Petitioner's gross income is over that threshold amount, Petitioner is ineligible for SNAP benefits. See Initial Decision at 3; see also Exhibit R-1 at 21, 23-24, 35. 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 5. Following an independent review of the record, 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, in accordance with applicable regulatory authority, 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 household expenses, such as shelter and utility expenses, was unfair, is misplaced. See Initial Decision at 3, 4.

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

Officially approved final version.

AUG 24 2021

Natasha Johnson
Assistant Commissioner

