



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 02813-21 S.K.

AGENCY DKT. NO. C121571020 (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 application for 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 16, 2021, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On June 17, 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 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). The maximum gross income for a household of three persons, such as Petitioner's, is \$3,349. See DFD Instruction ("DFDI") 20-09-04 at 13.



Here, the record reflects that Petitioner's SNAP household is comprised of three people. See Initial Decision at 2. While Petitioner maintained that she had intended to apply only for SNAP benefits for herself and her minor son, she nonetheless submitted her adult son's paystubs in support of her application. Id. at 2-3. Moreover, Petitioner testified that she sometimes shares food with her adult son and his children, thus further establishing that her adult son should be included as part of the SNAP household. Id. at 3; see also N.J.A.C. 10:87-2.2(a)(3). The record further shows that Petitioner's household has monthly earned income in the amount of \$4,346, and that Petitioner received monthly UIB benefits in the amount of \$1,205. See Initial Decision at 3; see also Exhibits P-5, P-6. Based on the foregoing, it is clear that Petitioner's household gross income exceeds the maximum gross income level of \$3,349 for SNAP benefits eligibility, and as such, the ALJ in this matter concluded that the Agency's denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-3 and DFDI 20-09-04 at 13. I agree.

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

Officially approved final version.

JUN 29 2021

Natasha Johnson
Assistant Commissioner

