



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

TRENTON, NJ 08625-0716

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 **06681-23 A.F.**

AGENCY DKT. NO. **C252883009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits, contending that Petitioner's countable household income exceeded the maximum permissible level for receipt of said benefits and later, for failure to locate Petitioner. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 3, 2023, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On October 16, 2023, 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 Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED, based on the discussion below.

In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income, as well as residence. See N.J.A.C. 10:87-2.19, -2.20.

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. "Earned income" is defined, in pertinent part, as "[a]ll wages and salaries received as compensation for services performed as an employee[.]" See N.J.A.C. 10:87-5.4(a)(1).

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 applied for SNAP benefits on August 22, 2022, and that Petitioner's SNAP household is comprised of two persons. See Initial Decision at 2; see also Exhibit R-1 at 1. The record further shows that Petitioner's household earned income, in the monthly amount of \$3,223, exceeds the allowable maximum gross income amount for a household of two persons, which, at the time of Petitioner's application was \$2,686, and at the time of the Agency determination was \$2,823. See Initial Decision at 2; see also Exhibit R-1 and DFD Instructions ("DFDIs") 21-09-01 at 15, and 22-09-02 at 14. There is no indication in the record that any household member is handicapped, disabled or elderly, and as such, the household must meet the both the gross and net income tests for SNAP 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 Petitioner's household's gross income is over the maximum allowable threshold, Petitioner's household was determined to be ineligible for SNAP benefits, and by notice dated November 10, 2022, the Agency denied Petitioner's application for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at 1. Additionally, the record shows that Petitioner reapplied for SNAP benefits on January 26, 2023, and after the Agency was unable to reach Petitioner, the Agency denied Petitioner SNAP benefits by notice dated March 29, 2023. See Initial Decision at 2; see also Exhibit R-1 at 7 and N.J.A.C. 10:87-2.19, -2.20. Petitioner acknowledged that she was working at the time of the January 26, 2023 application, but asserts that the Agency had not tried to contact her with respect to her application. See Initial Decision at 2. The ALJ in this matter found that the Agency's November 10, 2022, denial, based on excess income over the gross income threshold, was proper and must stand. *Id.* at 4. I agree. With respect to the denial based on a failure to locate Petitioner, the ALJ found that Petitioner's argument, that she is entitled to retroactive SNAP benefits because she was not contacted by the Agency, is meritless given that her gross income at that time still exceeded the maximum allowable gross income limit. *Ibid.* Based on an independent review of the record. I also agree.

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

Officially approved final version. October 31, 2023

Natasha Johnson
Assistant Commissioner

