



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 **08028-23 A.H.**

AGENCY DKT. NO. **C139125007 (ESSEX COUNTY DIVISION OF WELFARE)**

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. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 26, 2023, the Honorable Joann Lasala Candido, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On October 27, 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 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. "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, based on independent review of the record, the Petitioner applied for SNAP benefits on March 13, 2023, for a household of two persons. See Exhibit R-1. The Agency denied Petitioner's application for SNAP benefits by notice dated April 27, 2023, on the basis that the household's monthly gross income exceeds the allowable maximum gross income amount for a household of two persons, which is \$2,823. Ibid.; see also DFD Instruction ("DFDI") 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). The record further reflects that Petitioner thereafter submitted additional paystubs, and after consideration of same, the case remained denied as exceeding the gross income threshold, and Petitioner was advised as such by notice dated May 11, 2023. See Exhibit R-1; see also ("DFDI") 22-09-02 at 14. Based on the foregoing, the ALJ in this matter found that the Agency's denials, based on excess income over the gross income threshold, was proper and must stand. Id. at 3. I agree.

By way of comment, Petitioner represents that her husband is no longer in the household, and the household is comprised only of Petitioner and her granddaughter. See Initial Decision at 1-2. It is unclear from the record if the earned income previously used in assessing eligibility was attributable to Petitioner and/or her husband. Petitioner is without prejudice to reapply for SNAP benefits, if she has not already done so. Ibid.

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. November 21, 2023

Natasha Johnson
Assistant Commissioner

