



State of New Jersey

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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 **00855-23 F.A.**

AGENCY DKT. NO. **C807438007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency denied Petitioner SNAP benefits, at recertification, 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 March 13, 2023, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On March 15, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on March 22, 2023.

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 REVERSED, 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 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, at the time of recertification for SNAP benefits, the Agency determined that Petitioner had earned income from a sports store. See Initial Decision at 2. Based on that earned income, the Agency denied Petitioner continued SNAP benefits due to the income exceeding the maximum allowable gross income for Petitioner's household size. Id. at 2-3. Petitioner maintained that she had not been employed since her child was born in December, 2021, and furthermore, that she had never been employed by the sports store in question. Id. at 3. After the Agency had advised her of the alleged income, Petitioner filed an identity theft report with the Federal Trade Commission, as well as with the local police. Ibid. Further, Petitioner conducted her own investigation to determine who worked at the sports store and was using her social security number and address illegally. Ibid. Based upon the testimony and documentary evidence presented, the ALJ in this matter concluded that the Agency had not met its burden to establish that Petitioner had, in fact, worked at the sports store. Id. at 4. Further, the ALJ concluded that the Agency had not presented any evidence to rebut Petitioner's contention that she was the victim of identity theft. Ibid. As such, the ALJ concluded that the Agency's determination to deny Petitioner SNAP benefits, at recertification, must be reversed, and Petitioner must be provided with retroactive SNAP benefits to the date the Agency terminated Petitioner's prior SNAP benefits, November 1, 2023, to the present. Id. at 5. I agree.

By way of comment, I have reviewed the Exceptions submitted by the Agency, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version. May 30, 2023

Natasha Johnson
Assistant Commissioner

