



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **04253-23 I.H.**

AGENCY DKT. NO. **C161874003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated 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 June 5, 2023, the Honorable Susan L. Olgiati, Administrative Law Judge, held a telephonic plenary hearing, took testimony, and admitted documents into evidence. Judge Olgiati was thereafter nominated to the Superior Court bench, and the matter was reassigned to the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"). Following a review of the complete case record, including all exhibits, 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, the record reflects that Petitioner has been receiving SNAP benefits since March 1, 2019. See Initial Decision at 2. On or about January 11, 2023, Petitioner reported earned income to the Agency from two employers. Ibid. Based on paystubs submitted from both employers, the Agency determined Petitioner's combined total gross income from December 2022, to be \$3,747, which exceeds the allowable maximum gross income amount for a household of three persons of \$3,551. See Initial Decision at 2-3; 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). 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 notices dated February 3, and 6, 2023, the Agency terminated Petitioner SNAP benefits and closed Petitioner's SNAP benefits case. See Initial Decision at 3; see also Exhibit R-C, and DFDI 22-09-02 at 14. Based on the foregoing, the ALJ found that the Agency's termination Petitioner's SNAP benefits, and closure of her SNAP benefits case, was proper and must stand. See Initial Decision at 3-4. I 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. July 11, 2023

Natasha Johnson
Assistant Commissioner

