



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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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 **04915-23 M.F.**

AGENCY DKT. NO. **C784710007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of 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 July 11, 2023, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On July 12, 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.

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).

Based on an independent review of the record, Petitioner's SNAP household is comprised of solely of one person, Petitioner. See Exhibit R-1 at 10. The record further shows that, based on wage information obtained, the Agency calculated Petitioner's monthly earned income to be \$2,790, which is over the maximum allowable gross income for Petitioner's household size of \$2,096. See Exhibit R-1 at 9-10; see also DFD Instruction ("DFDI) 22-09-02 at 14. As a result, by notice dated January 24, 2023, the Agency advised Petitioner that his SNAP benefits case would close, effective March 1, 2023, for exceeding the maximum allowable gross income level. See Exhibit R-1 at 9-10. It does appear that at a later date, using paystubs submitted from March and April, 2023, the Agency recalculated Petitioner's gross income again, with the same result that Petitioner's gross income was still over the maximum gross income allowable. Id. at 4-5. Based on the foregoing, I agree with the ALJ's ultimate conclusion that the Agency's closure of Petitioner's SNAP benefits case, due to his monthly gross income exceeding the maximum allowable amount for the household size, was proper and must stand. See Initial Decision at 4; see also N.J.A.C. 10:87-6.16(d)(2) and Exhibit R-1 at 6-7, 9-10.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits should his circumstances have changed.

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 25, 2023

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Natasha Johnson  
Assistant Commissioner

