



State of New Jersey

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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 **10029-22 N.B.**

AGENCY DKT. NO. **C325392007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied 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 December 6, 2022, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record remained open for the submission of post hearing statements by the parties, and then closed on December 16, 2022. On December 30, 2022, 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).

Here, the record reflects that Petitioner applied for SNAP benefits on July 6, 2022, and that Petitioner's SNAP household is comprised of two persons. See Initial Decision at 2. The record further shows that Petitioner's household has earned income, and unearned income from monthly child support, which, when combined, exceed the allowable maximum gross income amount for a household of two persons of \$2,686. See Initial Decision at 2; see also Exhibit R-1 and DFD Instruction ("DFDI") 21-09-01 at 15. 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 September 12, 2022, the Agency denied Petitioner's application for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1, and DFDI 21-09-01 at 15. A re-review of Petitioner's SNAP benefits application was done on November 17, 2022, using Petitioner's self-attested income, as well as verifiable income, which still exceeded the maximum allowable gross income amount of \$2,686. See Initial Decision at 4; see also Exhibit R-1. A third reevaluation yielded the same result. Ibid. Based on the foregoing, the ALJ found that the Agency's denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 8. Based on an independent review of the record, I agree. Additionally, the ALJ further found that, while there was a delay in the processing of Petitioner's SNAP benefits application, Petitioner was not entitled to any back benefits, or continuing benefits, as she had been determined ineligible due to excess income. See Initial Decision at 5, 8. 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. February 7, 2023

Natasha Johnson
Assistant Commissioner

