



State of New Jersey

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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 **04257-23 Q.W.**

AGENCY DKT. NO. **C110125003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits due to Petitioner's countable household income exceeding the maximum permissible level for receipt of said benefits, as well as the denial to provide retroactive SNAP benefits for the month of May, 2022. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 5, 2023, the Honorable Susan L. Olgiate, Administrative Law Judge, held a telephonic plenary hearing, took testimony, and admitted documents into evidence. Judge Olgiate 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, on June 19, 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.

In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income, as well as residency. See N.J.A.C. 10:87-2.19, -2.20. Without said verification of required information, SNAP eligibility cannot be determined or granted. *Ibid.*

When information is requested from the SNAP applicant, and "by the 30th day, the [Agency] cannot take any further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. ... If the household takes the required action within 60 days following the date that the application was filed, the [Agency] shall reopen the case without requiring a new application." See N.J.A.C. 10:87-2.27(e), (1).



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 applied for SNAP benefits on May 23, 2022. See Initial Decision at 2; see also Exhibit R-A. On that application, Petitioner indicated that she was working at Amazon and the United States Postal Service (“USPS”). Ibid. On June 1, 2022, the Agency sent Petitioner a Request for Verification, seeking verification of Petitioner's income. See Initial Decision at 2; see Exhibit R-B. Thereafter, Petitioner provided only proof of net income, not gross income, from USPS, and further failed to provide proof of income verification from Amazon. See Initial Decision at 2; see also Exhibit R-C. Thirty days after Petitioner's application, the Agency denied Petitioner's application for SNAP benefits for failure to provide verification of income, which is mandatory to determine SNAP benefits eligibility. See Initial Decision at 2; see also Exhibit R-D and N.J.A.C. 10:87-2.19, -2.27(e) (1). On June 29, 2022, the Agency received verification of separation from Petitioner's employment with Amazon, but no further required verification for USPS. See Initial Decision at 2; see also Exhibit R-E. It was not until September 30, 2022, that Petitioner provided a letter of separation from USPS, dated from July, 2022. See Initial Decision at 2; see also Exhibit R-F. As that verification was submitted more than 60 days after the date of application, the Agency notified Petitioner that her case would remain closed. See Initial Decision at 2-3; see also Exhibit R-G. Thereafter, following Petitioner's discussion with several administrators, in January, 2023, the Agency reviewed the case and agreed to grant Petitioner retroactive SNAP benefits for July and August, 2022, based on her attempt to comply on June 29, 2022, but no retroactive benefits would be granted for May, 2022, as the information was provided more than 30 days after application. See Initial Decision at 3; see also Exhibit R-J and N.J.A.C. 10:87-2.27(e)(1). However, based on Petitioner's monthly earned income as of September, 2022, \$4,076, it was determined that Petitioner's gross income exceeded the allowable maximum gross income amount for a household of three persons of \$3,551. See Initial Decision at 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 was over the maximum allowable threshold, Petitioner's household was determined to be ineligible for SNAP benefits, effective September 1, 2022, and the Agency denied Petitioner SNAP benefits from that date. See Initial Decision at 3; see also Exhibit R-J, and DFDI 22-09-02 at 14. Based on the foregoing, the ALJ found that the Agency's denial of Petitioner's SNAP benefits, effective September 1, 2022, and the denial of retroactive benefits for May, 2022, was proper and must stand. See Initial Decision at 3-5; see also Exhibit R-J. 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 19, 2023

Natasha Johnson
Assistant Commissioner

