



## 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 **05572-23 S.B.**

AGENCY DKT. NO. **S482775014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner 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 July 18, 2023, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On November 21, 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. Further, N.J.A.C. 10:87-5.5(a)(2) specifically includes "unemployment compensation" as unearned income which is to be included when determining a household's SNAP eligibility. Also, unearned income includes child support or alimony payments made directly to the household by non-household members. See N.J.A.C. 10:87-5.5(a)(5).

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, based on independent review of the record, the Petitioner applied for SNAP benefits in January, 2023, for a household of two persons. See Initial Decision at 2. The Agency issued Petitioner one month of expedited SNAP benefits, and then closed Petitioner's SNAP case on February 22, 2023, on the basis that the household's monthly gross income exceeds the allowable maximum gross income amount for a household of two persons, which is \$2,823. See Exhibit R-1; see also DFDI 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). The ALJ in this matter concluded that Petitioner's unearned income in form of Unemployment Insurance Benefits, in the amount of \$2,123, combined with the monthly child support of \$711, exceeded the maximum allowable gross income for the household size. See Initial Decision at 3. The ALJ further concluded that the Agency had correctly applied the multiplier as outlined in N.J.A.C. 10:87-6.9(d)(1) to determine the appropriate amount of monthly child support payments. Id. at 2, 3. Based on the foregoing, the ALJ in this matter found that the Agency's determination, based on excess income over the gross income threshold, was proper and must stand. Id. at 3. Based on an independent review of the record, I agree.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits, if she has not already done so.

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. December 13, 2023

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Natasha Johnson  
Assistant Commissioner

