



## 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 11646-22 S.T.

AGENCY DKT. NO. C137670009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied 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 February 28, 2023, 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 documentation referenced at the hearing, and then closed on March 1, 2023. On March 13, 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 MODIFIED 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).

Further, N.J.A.C. 10:87-6.9(e) provides, "Households which derive their annual income by contract in a period shorter than one year shall have that income averaged over a 12-month period, provided the income from the contract is not received on an hourly or piecemeal basis. For example, a teacher has a 12-month contract and only works 10 months of the year (September through June), that income shall be prorated over a 12-month period. These household may also include, but are not limited to, school employees[.]"

Here, an independent review of the record reflects that Petitioner applied for SNAP benefits on September 13, 2022, and that Petitioner's SNAP household is comprised of two persons. See Exhibit R-1 at 2. The record further shows that Petitioner works for a local Board of Education, and that Petitioner's annual income is based on her pay between September and June of each school year, with a biweekly gross pay of \$2,253.45. See Exhibit R-1 at 5. That gross income amount is then multiplied by the applicable multiplier of 2.167 to obtain a monthly amount of \$4,883, which is the gross income amount utilized by the Agency in determining that Petitioner's gross income exceeded the maximum allowable amount for receipt of SNAP benefits. See Exhibit R-1 at 4; see also N.J.A.C. 10:87-6.9(d) (1). However, the inquiry, in accordance with N.J.A.C. 10:87-6.9(e) needs to go two steps further. Taking the monthly gross amount of \$4,883 and multiplying that by 10 (for the 10 month period), results in an annual gross income amount of \$48,832. That amount is then divided by 12 in order to find the average monthly amount over a 12-month period, or \$4,069.36. See N.J.A.C. 10:90-6.9(e). It is this amount that is then compared to the maximum allowable gross income level for the household size. At the time of Petitioner's application, the allowable maximum gross income amount for a household of two persons was \$2,686. See DFD Instruction ("DFDI") 21-09-01 at 15. At the time of the Agency's denial, October 13, 2022, the allowable maximum gross amount was, and continues to be, \$2,823. See 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). Based on the foregoing, as Petitioner's calculated household gross income of \$4,069.36 is over the maximum allowable threshold, I agree with the ALJ that the Agency's denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 2. The Initial Decision is modified to reflect the above findings and analysis.

Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency's determination is also AFFIRMED, as outlined above.

Officially approved final version.

March 28, 2023

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Natasha Johnson

Assistant Commissioner

