



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 01301-23 Y.C.

AGENCY DKT. NO. S713125009 (HUDSON COUNTY DEPT OF FAM SVCS)

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 April 12, 2023, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On May 30, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination and directing the Agency to reevaluate Petitioner's SNAP eligibility at recertification.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency for action, 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. See N.J.A.C. 10:87-2.19, -2.20.

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).

N.J.A.C. 10:87-9.1 states, "No household may participate [in SNAP] beyond the expiration of the certification period assigned in accordance with N.J.A.C. 10:87-6.20 without a determination of eligibility for a new period. Households shall apply for recertification and shall comply with interview and verification requirements."

Here, the record reflects that Petitioner was contacted by the Agency on September 29, 2022, and on that date conducted the requisite telephone interview with Petitioner with respect to her annual recertification for SNAP benefits. See Initial Decision at 2. Petitioner testified that during that telephone interview, when questioned about her employment, she advised the Agency that she was no longer working for Valley Bank, and was beginning a new position with Ponce Bank, with less hours. *Id.* at 2-3. Petitioner was asked to provide copies of her most recent paystubs from September, 2022, and Petitioner advised that she would also provide paystubs from her new employer once she had received same, and the Agency indicated that it would consider the paystubs from the new employer. *Ibid.* Thereafter, the Agency forwarded Petitioner a Request for Verification, requesting, amongst other things, Petitioner's last two paystubs from Valley Bank from September, 2022. *Ibid.* The record does indicate that, while providing the paystubs from Petitioner's former employment at Valley Bank for September, 2022, Petitioner also later provided paystubs from her new job at Ponce Bank prior to the Agency's November 1, 2022, denial letter. See Initial Decision at 3-4. On November 1, 2022, the Agency denied Petitioner SNAP benefits, on recertification, for exceeding the allowable net income amount. See Initial Decision at 3; see also Exhibit R-1 at 1-2. The relevant issues in this matter are whether or not the Agency was advised of Petitioner's change of employment during the September 29, 2022, telephone interview, and if so, should the Agency have considered the paystubs from Petitioner's new employment at Ponce Bank. See Initial Decision at 4-5. The ALJ in this matter found that, while there was no indication in the Agency's records of Petitioner having advised the Agency of the change of employment during the telephone interview, Petitioner credibly testified that she had, in fact, advised the Agency of same, and that she had also mailed copies of her paystubs from her new employer to the Agency, prior to the October 30, 2022, deadline. See Initial Decision at 4-5. Based on the foregoing, that ALJ determined that the Agency's sole reliance on Petitioner's income from her former employer, Valley Bank, in determining Petitioner's SNAP benefits eligibility was improper, and that her income from her new employment should have been considered. *Id.* at 5. As such, the ALJ vacated the Agency's denial, and directed Petitioner to provide documentation for her income with Ponce Bank for the months of October and November, 2022, and for the Agency to reevaluate Petitioner's SNAP benefits eligibility based upon that information. *Ibid.* While I agree, that Petitioner should be reevaluated for SNAP benefits eligibility based on the income information from her change of employment, and the income from that employment, I note that Petitioner's certification period ended October 31, 2022. See Exhibit R-1 at 6. Therefore, the only income which may be considered in the Agency's reevaluation for SNAP benefits is any income earned in October, 2022, and not November, 2022. The Initial Decision is modified to reflect this finding.

Additionally, I further direct that, if Petitioner is determined to be eligible for SNAP benefits, Petitioner is to be provided with retroactive SNAP benefits to November 1, 2022, the beginning of her recertification period. See N.J.A.C. 10:87-8.18. Should Petitioner be denied SNAP benefits based upon the substantive review of her original application, Petitioner may request another fair hearing on that denial. Petitioner is also advised that she is without prejudice to reapply for SNAP benefits at any time.



Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is hereby REVERSED, and the matter is REMANDED to the Agency for action, as outlined above.

Officially approved final version.

June 28, 2023

Natasha Johnson

Assistant Commissioner

