



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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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 13760-23 A.B.

AGENCY DKT. NO. **S952575009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of his application for Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits at recertification due to exceeding the gross income limit, and denied a subsequent SNAP benefits application because Petitioner was an ineligible student. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 20, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for receipt of additional documentation and then closed on February 23, 2024. On March 12, 2024, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received from either party.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision, and AFFIRM the Agency's determinations.

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 reveals that, at Petitioner's recertification for SNAP benefits on October 27, 2023, it was determined that Petitioner had been receiving unearned income in the form of weekly Unemployment Insurance Benefits ("UIB"), and that the monthly amount of said UIB was \$3,029. See Exhibit R-1. The maximum allowable gross income for a household of one person, such as Petitioner's, is \$2,248. See DFD Instruction ("DFDI") 23-09-01 at 13. As such, by notice dated October 27, 2023, the Agency denied Petitioner's SNAP benefits application at recertification for exceeding the allowable gross income threshold. See Initial Decision at 2; see also Exhibit R-1. Following the Agency's October 27, 2023, notice, Petitioner then reapplied for both Work First New Jersey/General Assistance ("WFNJ/GA") and SNAP benefits



on November 3, 2023. See Initial Decision at 2; see also Exhibit R-1. Following this application, the Agency confirmed with Petitioner that he was a student at American University, doing online coursework. See Exhibit R-1. On November 20, 2023, the Agency denied Petitioner's application for both WFNJ/GA and SNAP because he was an ineligible college student. See Exhibit R-1; see also N.J.A.C. 10:87-3.14(d) and Division of Family Development Instruction No. 19-01-06. The ALJ in this matter found that Petitioner could provide no evidence that he meets the regulatory criteria for receipt of SNAP benefits, and therefore, the ALJ concluded that the Agency's November 20, 2023, denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 3-5. I agree.

By way of comment, while N.J.A.C. 10:90-2.11(b)(3) explains the eligibility criteria for college students seeking WFNJ/GA benefits, this regulation was superseded by the 2013 Appropriations Act ("Act"), P.L. 2012, c.18. Pursuant to the Act, college students are now ineligible for WFNJ/GA benefits as of July 1, 2012. See FYE 2013 Appropriations Act (P.L. 2012, c.18); see also FYE 2014 Appropriations Act (P.L. 2012, c.77) and DFDI 12-08-03. The Appropriations language prohibiting the extension of WFNJ/GA benefits to those single adults enrolled in college has been extended in each successive fiscal year budget cycle, including the 2024 budget. See <https://www.nj.gov/treasury/omb/publications/24approp/AppropriationsHandbookFull.pdf> at B-142. As such, I also find that the Agency's denial of Petitioner's application for WFNJ/GA benefits was proper.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determinations are AFFIRMED.

Officially approved final version. April 11, 2024

Natasha Johnson
Assistant Commissioner

