



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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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 12724-24 B.A.

AGENCY DKT. NO. C173334003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for Supplemental Nutritional Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, contending that Petitioner had failed to provide information and documentation necessary to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 28, 2024, the Honorable Michael R. Stanzione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On November 12, 2024, 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, which includes both earned and unearned income. See N.J.A.C. 10:87-2.19, -2.20. Without verification of required information, SNAP eligibility cannot be determined or granted. *Ibid*.

Regulatory authority applicable to SNAP benefits cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3. Additionally, for SNAP benefits cases, unearned income includes survivors, disability, and Social Security benefits for both adults and children in the household. See N.J.A.C. 10:87-5.5(a)(2).

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. Further, N.J.A.C. 10:87-6.16(b) outlines the procedures used to calculate both gross and net income for SNAP benefits purposes, and the applicable benefit levels, if eligible. The regulation provides that the applicant's monthly net income is determined by adding together all earned and unearned income, then subtracting all income exclusions. Then, the standard deduction, based upon the size of the household, is subtracted from the income.



Thereafter, the household is evaluated to determine if a medical deduction is appropriate, which is applied if the household has medical expenses that exceed \$35.00. If the household is entitled to a medical deduction, then the amount in excess of \$35.00 is subtracted from the applicant's income. Then, the applicant is evaluated for an excess shelter deduction. Such a deduction is permitted when the individual's shelter costs exceed 50% of their net income. If this deduction is allowable, then the difference between the shelter costs and the 50% net income, or up to the maximum allowable amount, is subtracted from the individual's income. The remaining figure is Petitioner's net income for SNAP benefits purposes. This net income is then compared against the maximum allowable net income amount for the household's size, as outlined at N.J.A.C. 10:87-12.3, to determine eligibility. If eligible, the household's monthly SNAP allotment shall be equal to the maximum food stamp allotment for the household's size, reduced by 30 percent of the household's net monthly income. See N.J.A.C. 10:87-12.6(a)(1).

Here, the record reveals that Petitioner applied for SNAP benefits, on behalf of herself and her four children, on October 10, 2023. See Initial Decision at 2; see also Exhibit R-A. Within the application, Petitioner did not include her twenty-year old son, A.A. See Initial Decision at 2. During the processing of the application, the Agency determined through a systems database report that Petitioner had continual employment earnings, as well as an indication she may have been employed by two separate employers. Ibid. In addition, the report showed that Petitioner's adult son, A.A., had employment earnings. Ibid. The Agency sent Petitioner a request for more information, asking her to provide thirty days of recent consecutive paystubs or a separation letter from her employer. See Initial Decision at 3; see also Exhibit R-A. In addition, the Agency requested further information as to whether her adult son, A.A., was living in the household and his paystubs. Ibid. Petitioner did not submit the requested verifications, and on October 26, 2023, the Agency sent a denial notice to Petitioner which provided thirty additional days for submission of the requested information. See Initial Decision at 3; see also Exhibit R-B. Petitioner did not submit any verifications by November 26, 2023. Ibid.

On December 11, 2023, Petitioner provided a letter via email to the Agency regarding one employer, and a letter stating that her son had moved out of her home the prior year, but that he had since returned to reside in the home. See Initial Decision at 3-4. Petitioner also provided additional information including A.A.'s paystubs, as well as his college tuition payment history. See Initial Decision at 4. Additional systems inquiries conducted by the Agency revealed that Petitioner herself, and three of her children, receive Retirement, Survivors and Disability Insurance ("RSDI") benefits, and another child receives Supplemental Security Income ("SSI") benefits. See Exhibit R-B. The Agency determined, from the information obtained, that the household's total monthly net income, for SNAP eligibility purposes, following the appropriate deductions, was \$4,679.80. See Initial Decision at 4; see also Exhibit R-B at 47-48. The Agency reevaluated Petitioner's case on August 12, 2024, and due to not receiving paystubs or a letter of separation from Petitioner's employer, sent a denial notice on August 13, 2024, stating that, effective December 1, 2023, Petitioner was ineligible to receive SNAP benefits due to her failure to provide income verification, and due to the household's net monthly income exceeding the level for which SNAP benefits are issued. See Initial Decision at 4; see also Exhibit R-B at 45-48.

Following presentation of testimonial and documentary evidence in this case, the ALJ concluded that Petitioner had not provided the requested information required to be verified to determine eligibility, and as such, the Agency's denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 6-7; see also N.J.A.C. 10:87-2.19, -2.20. I agree.

In addition to the failure to provide income verification, the Agency contended that Petitioner does not maintain a separate household from her adult son, A.A. A review of the record indicates that Petitioner's son, A.A., is twenty years of age and, pursuant to N.J.A.C. 10:87-2.2(c), a non-household member status will not be granted to parents and their child, under of the age of 22 who reside together. See Initial Decision at 2-4, see also Exhibit R-A, R-B. As such, Petitioner's SNAP household is comprised of six people. See Initial Decision at 4. As Petitioner's household contains a permanently disabled person, only the net income standard must be met for SNAP eligibility. See N.J.A.C. 10:87-6.16(d)(1); see also Exhibit R-B at 44, and N.J.A.C. 10:87-2.34(b)(2) (defining a disabled household member as one who received Social Security benefits, including those under Title XVI, known as SSI benefits).

The maximum allowable net income amount for SNAP eligibility, for a household of six persons, at the time application was made, was \$3,357. See DFD Instruction 23-09-01 at 12. Petitioner's net household income, for SNAP eligibility purposes, was determined to be \$4,679.80, and as this calculated net income exceeds the net income threshold of \$3,357, Petitioner's household was determined to be ineligible for SNAP benefits. See Initial Decision at 4; see also Exhibit R-B at 45-48. Based on the foregoing, the ALJ found that Petitioner's household exceeded the net income threshold for SNAP benefits eligibility and therefore the Agency's denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 6-7; see also Exhibit R-B. I also agree.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits, should her circumstances change, but must timely provide all information and documentation requested in order to determine eligibility.



Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. November 26, 2024

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Natasha Johnson  
Assistant Commissioner

