



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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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 **09188-23 D.B.**

AGENCY DKT. NO. **C023952014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

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 October 24, 2023, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On January 31, 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 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. "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).

An independent review of the record in this matter reflects that Petitioner submitted a recertification application for SNAP benefits on April 14, 2023, for a household of five persons. See Exhibit R-1. The Agency denied Petitioner's application for SNAP benefits at recertification by notice dated June 2, 2023, on the basis that the household's monthly gross income exceeds the allowable maximum gross income amount for a household of five persons, which is \$5,006. See Exhibit R-10; see also DFD 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 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 record further reflects that, based on the documentation submitted, the household's gross income, for SNAP eligibility purposes was calculated to be \$5,129.95, comprised on both household earned and unearned income. See Exhibits R-4, R-5, R-6, R-7, R-8, R-9. Petitioner does not dispute the income calculations. See Initial Decision at 2. Having made a review of the record in this matter, including the ALJ's Initial Decision, I agree with the ALJ's ultimate conclusion that the Agency properly denied Petitioner's application for SNAP benefits as exceeding the maximum allowable gross income threshold. See Initial Decision at 3. The Initial Decision is modified to reflect the above analysis and findings.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits.

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. February 15, 2024

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Natasha Johnson  
Assistant Commissioner

