



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*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 11761-23 F.T.

AGENCY DKT. NO. **C805957007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 January 18, 2024, 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 until January 23, 2023, and then closed. On February 7, 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's 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). Further, N.J.A.C. 10:87-5.5(a)(2) specifically includes "unemployment compensation" as unearned income which is to be included when determining a household's SNAP eligibility.

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, based on independent review of the record, Petitioner applied for SNAP benefits on August 8, 2023, for a household of three persons. See Initial Decision at 2. However, one member of the household is an ineligible alien, and



as such, the Agency processed the application for a household of two persons. Ibid.; see also N.J.A.C. 10:87-3.7(a), -3.8(f)(6). The Agency denied Petitioner's application for SNAP benefits by notice dated August 9, 2023, on the basis that the household's monthly gross income exceeds the allowable maximum gross income amount for a household of two persons, which is \$2,823. Ibid.; 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 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). The record further reflects that the Agency determined, through reported labor information, that Petitioner had earned income, which was calculated to be \$3,390.37, which exceeds the maximum gross income threshold for a household of two persons of \$2,823. See Exhibit R-1; see also ("DFDI") 22-09-02 at 14. Based on the foregoing, the ALJ in this matter found that the Agency's denial, based on excess income over the gross income threshold, was proper and must stand. Id. at 4. I agree.

By way of comment, Petitioner represents that he became unemployed on or about September 7, 2023, that he advised the Agency of same on October 2, 2023, and due to these circumstances, he is eligible for SNAP benefits. See Initial Decision at 2. Petitioner is advised, however, that the present case is solely with respect to his August, 2023, application and subsequent denial of SNAP benefits, and not on the change in circumstances which occurred thereafter, and would thus necessitate a new application for SNAP benefits. It is unclear from the record if Petitioner has since reapplied for SNAP benefits. Petitioner is advised that he is without prejudice to reapply for SNAP benefits, if he has not already done so.

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

Officially approved final version. February 26, 2024

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Natasha Johnson  
Assistant Commissioner

