



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **00210-24 I.G.**

AGENCY DKT. NO. **C151573003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency terminated Petitioner's WFNJ/GA benefits because his total monthly income was over the maximum allowable benefit level for continued receipt of said benefits. Petitioner's SNAP benefits were terminated because his gross income exceeded the maximum allowable gross income level for his household size. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 6, 2024, the Honorable Michael R. Stanzione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 20, 2024, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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, and AFFIRM the Agency's determination, based on the discussion below.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the assistance unit's ("AU") countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for a WFNJ/GA benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA AU, with benefit of the appropriate disregards set forth in N.J.A.C. 10:90-3.8 for earned income, if applicable, is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). Effective July 1, 2019, the benefit level for an employable WFNJ/GA AU, consisting of one person, is \$185 per month. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") No. 19-21.

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). The maximum allowable gross income amount for SNAP eligibility, for a household of one person, is \$2,248. See DFD Instruction ("DFDI") 23-09-01 at 13.

Here, the record reflects that Petitioner was receiving WFNJ/GA and SNAP benefits when Petitioner became employed and provided the Agency with a paystub on November 21, 2023. See Initial Decision at 2; see also Exhibit R-A. Using that paystub, and applying the appropriate regulatory multiplier, the Agency calculated Petitioner's monthly income to be \$2,708.13. Ibid.; see also N.J.A.C. 10:90-3.10(c)(1)(i) and N.J.A.C. 10:87-6.9(d)(1). As this calculated monthly income exceeds the maximum allowable income amounts for both WFNJ/GA and SNAP benefits, \$185 and \$2,248 respectively, on December 7, 2023, the Agency notified Petitioner that his WFNJ/GA and SNAP benefits would be terminated. See Exhibit R-B; see also N.J.A.C. 10:90-3.5(b); see also DFD IT No. 19-21 and DFDI 23-09-01 at 13. Based on the foregoing, the ALJ in this matter concluded that the Agency's termination of Petitioner's WFNJ/GA and SNAP benefits, was proper and must stand. See Initial Decision at 4-5. I agree, however, the Initial Decision is hereby modified to reflect the correct benefit level/threshold for an employable WFNJ/GA benefits recipient of \$185, and not \$321, which is the initial eligibility threshold for a one person Work First New Jersey/Temporary Assistance for Needy Families assistance unit, not WFNJ/GA. See Initial Decision at 2, 3, 5.

By way of comment, Petitioner is without prejudice to reapply for WFNJ benefits and/or SNAP benefits, as appropriate, should his circumstances have changed.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determinations are AFFIRMED, as outlined above.

Officially approved final version. April 11, 2024

Natasha Johnson
Assistant Commissioner

