



State of New Jersey

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Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **09451-23 S.S.**

AGENCY DKT. NO. **S486218012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the termination of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for WFNJ/TANF benefits because the household's combined unearned income from Temporary Disability Income ("TDI") and Unemployment Insurance Benefits ("UIB") put the WFNJ/TANF assistance unit ("AU") over the maximum benefit eligibility level for receipt of said benefits, and terminated Petitioner's SNAP benefits due to household's income exceeding the maximum allowable income level for receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 30, 2023, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Petitioner requested additional time to submit additional documents, and the record was held open until December 4, 2023, to permit both parties to submit additional documentation. The Agency submitted additional documentation, but Petitioner did not, and the record then closed on December 4, 2023. On December 12, 2023, 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 ADOPT 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 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. 10:90-3.2(a), in order to determine initial financial eligibility for WFNJ benefits for a new applicant, reapplicant or reopened case, "all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule I at N.J.A.C. 10:90-3.3." See also N.J.A.C. 10:90-3.1(b). Further, "[i]f the assistance unit has income equal to or less than the initial



maximum allowable income level for the appropriate unit size, then WFNJ/TANF initial financial eligibility exists.” See N.J.A.C. 10:90-3.2(a). For an AU of two persons, such as Petitioner’s, effective July 1, 2019, the maximum allowable income level for initial eligibility is \$638. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal (“IT”) No. 19-21.

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. 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). 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, the record reflects that Petitioner initially applied for SNAP benefits on April 4, 2023, and based upon his income at the time, consisting of unearned income in the form of TDI, Petitioner began receiving SNAP benefits. See Initial Decision at 2. Thereafter, Petitioner applied for WFNJ/TANF benefits on June 7, 2023. Ibid. It was determined that in June 2023, Petitioner’s monthly gross income totaled \$3,474, comprised of a TDI payment of \$993 and three UIB payments of \$827. Id. at 2, 4. For the month of July, 2023, Petitioner’s monthly gross income was calculated to be \$3,583, consisting of 4 weekly UIB payments of \$827, multiplied by the regulatory multiplier of 4.333. Id. at 3, 4; see also N.J.A.C. 10:87-6.9(d)(1) and N.J.A.C. 10:90-3.11(c)(1)(i). Based on the monthly income amounts, the Agency denied Petitioner’s application for WFNJ/TANF, as the income exceeded the initial eligibility income level of \$638 for a household of two persons. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal (“IT”) No. 19-21 and Exhibit R-5. Following a review of the testimonial and documentary evidence presented, the ALJ in this matter agreed that the Agency had corrected denied Petitioner’s application for WFNJ/TANF benefits due to the AU’s income exceeding the initial eligibility threshold. See Initial Decision at 5, 7. I agree.

Similarly, with respect to the termination of SNAP benefits, based on the household’s monthly income amounts of \$3,474 and \$3,583, for June and July, 2023, respectively, the Agency determined that Petitioner’s gross income exceeds the allowable maximum gross income amount for a household of two persons of \$2,823. See Initial Decision at 3, 4; see also DFD Instruction (“DFDI”) 22-09-02 at 14. There is no indication in the record that any household member is handicapped, permanently 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). Accordingly, by notice dated July 7, 2023, the Agency terminated Petitioner SNAP benefits and closed Petitioner’s SNAP benefits case effective August 1, 2023, for excess income over the maximum allowable gross income level. See Initial Decision at 3; see also Exhibit R-5, and DFDI 22-09-02 at 14. Based on the foregoing, the ALJ found that the Agency’s termination of Petitioner’s SNAP benefits, and closure of his SNAP benefits case, was also proper and must stand. See Initial Decision at 6, 7. I also agree.



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

Officially approved final version. January 10, 2024

Natasha Johnson
Assistant Commissioner

