



## State of New Jersey

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TRENTON, NJ 08625-0716

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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 **08961-22 C.C.**

AGENCY DKT. NO. **S628839012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), Emergency Assistance ("EA"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency terminated Petitioner's WFNJ/GA benefits because her total monthly income was over the maximum allowable benefit level for receipt of said benefits, and terminated her EA benefits because she was no longer a WFNJ, nor a Supplemental Security Income ("SSI") benefits recipient. Petitioner's SNAP benefits were terminated because her gross income exceeded the maximum allowable gross income level for her household size. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 14, 2022, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 17, 2022, 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 ("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.

Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).



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 \$1,986. See DFD Instruction ("DFDI") 21-09-01 at 15.

Here, the record reflects that Petitioner had been receiving WFNJ/GA, EA and SNAP benefits when Petitioner became employed in late May, 2022. See Initial Decision at 3. The record further reflects that Petitioner did not advise the Agency of her earned income until July 5, 2022. Ibid. Thereafter, the Agency received verification of Petitioner's employment and monthly earned income. Ibid. The Agency calculated Petitioner's monthly income to be \$3,187.00 based on paystubs from July, 2022. Ibid. On August 8, 2022, the Agency notified Petitioner that her WFNJ/GA benefits would be terminated due to income exceeding the benefits eligibility amount. See Exhibit R-1 at 9; see also N.J.A.C. 10:90-3.5(b); see also DFD IT No. 19-21. On August 23, 2022, the Agency advised Petitioner that her EA benefits would terminate effective September 23, 2022, because Petitioner was no longer a WFNJ benefits recipient, nor was she an SSI benefits recipient. See Exhibit R-1 at 11; see also N.J.A.C. 10:90-6.2(a). The record is devoid of the adverse action notice sent by the Agency to Petitioner, notifying her of the termination of her SNAP benefits, but, based upon the monthly gross income amount of \$3,187.00, that action is, in fact, correct. See DFDI 21-09-01 at 15. Based on the foregoing, the ALJ in this matter concluded that the Agency's termination of Petitioner's WFNJ/GA, EA and SNAP benefits, was proper and must stand. See Initial Decision at 4-5. I agree.

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

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

Officially approved final version.

October 25, 2022

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Natasha Johnson  
Assistant Commissioner

