



## State of New Jersey

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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 **09151-21 E.P.**

AGENCY DKT. NO. **C125811008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's 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 ("OAL") for a hearing. On December 1, 2021, the Honorable Jeffrey R. Wilson, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On December 2, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner on December 9, 2021.

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 determination is AFFIRMED, based on the discussion below.

Regulatory authority applicable to SNAP benefits cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3 (emphasis added).

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 applied for SNAP benefits on September 1, 2021, and that Petitioner's household is comprised of seven persons. See Initial Decision at 2; see also Exhibit R-1 at 3-22. The record further shows that Petitioner's husband has earned income in the monthly amount of \$7,142 from his primary employment, as well as earned income from a second job of \$625 monthly, for a combined monthly earned income amount of \$7,767. See Initial Decision at 2; see also Exhibit R-1 at 35. There is no indication in the record that Petitioner is either handicapped, disabled or elderly, and as such, Petitioner must meet the both the gross and net income tests for SNAP benefits 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). As there is no indication in the record that Petitioner receives any source of unearned income, Petitioner's household gross income is \$7,767. See Initial Decision at 3; see also N.J.A.C. 10:87-6.9(d)(1). The maximum allowable gross income amount for SNAP benefits eligibility, in September 2021, for a household of seven persons, was \$6,112, and as Petitioner's gross income is over that threshold amount, Petitioner is ineligible for SNAP benefits. See Initial Decision at 3; see also DFD Instruction ("DFDI") 20-09-04 at 13 and Exhibit R-1 at 35. As such, on September 24, 2021, the Agency sent Petitioner notice, denying Petitioner's application for SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at 36-37. Based on the foregoing, the ALJ found that the Agency properly denied Petitioner SNAP benefits, based on excess income over the maximum permissible level. See Initial Decision at 5-6; see also Exhibit R-1 at 36-37. Following an independent review of the record, I agree.

Petitioner in this matter asserted that certain "non-monetary credits," paid by her husband's primary employer, should not be included in the household's gross income. See Initial Decision at 3. In support of her position, Petitioner submitted a letter from her husband's primary employer, dated October 28, 2021, but offered no testimonial evidence, from a reliable source, to that extent. Ibid. As such, the ALJ in this case found that the letter was hearsay, not supported by any legally competent evidence. See Initial Decision at 4-5; see also N.J.A.C. 1:1-15.5(b) (stating that, while the rules of evidence are relaxed and hearsay is admissible in OAL hearings, "some legally competent evidence must exist to support each ultimate finding of fact to an extent sufficient to provide assurances of reliability and to avoid the fact or appearance of arbitrariness.") I also agree. Moreover, based on a June 28, 2021, letter submitted into evidence, reflecting Petitioner's husband's salary from his primary employer, and comparing that amount to Petitioner's tax return, also entered into evidence, it certainly appears that the "non-monetary credits" are encompassed in Petitioner's gross income for tax purposes. See Exhibit R-1 at 40-43, 44. Additionally, I find no regulatory basis to exclude the credits, and as such, applicable regulatory authority requires the credits to be included in Petitioner's income for SNAP eligibility purposes. See N.J.A.C. 10:87-5.3 and N.J.A.C. 10:87-5.9.

By way of comment, I have reviewed Petitioner's Exceptions, and for reasons as stated above, I find that the arguments made therein do not affect my decision in this matter.

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

Officially approved final version.

January 6, 2022

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Natasha Johnson  
Assistant Commissioner

