



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
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 **06995-22 J.F.**

AGENCY DKT. NO. **C024157006 (CUMBERLAND COUNTY BD OF SOC SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency denied Petitioner SNAP benefits, at recertification, 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 September 14, 2022, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On September 22, 2022, 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 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.

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's SNAP household is comprised of two persons. See Initial Decision at 2; see also Exhibit R-1 at 13. The record further shows that, using a quarterly wage amount, the Agency calculated Petitioner's monthly earned income to be \$3,028, which is over the maximum allowable gross income for Petitioner's household size of \$2,686. See Initial Decision at 2; see also Exhibit R-1 at 11. On July 14, 2022, the Agency recalculated Petitioner's gross income again, using paystubs provided by Petitioner, with the same result that Petitioner's gross income was still over the maximum gross income allowable. See Initial Decision at 2-3. On September 13, 2022, Petitioner provided the Agency with paystubs from the month of August, 2022, again with the same result. Id. at 3. The ALJ found that the Agency had correctly calculated Petitioner's monthly gross income each time. Id. at 4-5. Based on the foregoing, the ALJ found that the Agency's closure of Petitioner's SNAP benefits case, due to her monthly gross income exceeding the maximum allowable amount for her household size, was proper and must stand. Id. at 5; see also N.J.A.C. 10:87-6.16(d)(2) and Exhibit R-1 at 2-3, 11. I agree.

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.

October 4, 2022

Natasha Johnson

Assistant Commissioner

