



## 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 **07978-21 K.B.**

AGENCY DKT. NO. **C755256007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits and the denial of back SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 14, 2021, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The ALJ then requested that the parties submit written closing statements by October 28, 2021. When no written closing statements were received, the ALJ then closed the record on December 15, 2021. On January 3, 2022, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were filed.

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. 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).

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(b)(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 only 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.



Here, an independent review of the record reflects that Petitioner applied for SNAP benefits on January 25, 2021. See Initial Decision at 2, 3. On April 19, 2021, Petitioner was approved for SNAP benefits, with benefits being issued for January, 2021. Ibid.; see also Exhibit R-1. The Agency representative at the hearing acknowledged that the approval of Petitioner for SNAP benefits, on April 19, 2021, had been in error. See Initial Decision at 2. As a result, on April 21, 2021, Petitioner was then notified that her SNAP benefits were being terminated, due to the household's net income exceeding the maximum allowable threshold amount for receipt of SNAP benefits. See Exhibit R-1. The evidence presented in this matter reveals that, at the time of Petitioner's application for SNAP benefits, Petitioner's household income was comprised of unearned income in the forms of monthly child support payments of \$400, and monthly Temporary Disability Insurance ("TDI") benefits in the amount of \$3,029.00 for a total household gross income of \$3,429. Ibid. The record reflects that, after subtracting the standard deduction of \$167 for the household size of three persons, the household's adjusted income was reduced to \$3,262.00. Ibid.; see also N.J.A.C. 10:87-6.16(b)(4) and DFD Instruction ("DFDI") 20-09-04 at 11. It would seem that Petitioner's household is comprised of Petitioner and three children, which would mean subtracting the standard deduction of \$181, rather than \$167, and which would reduce Petitioner's income to \$3,248.00. It appears from the record presented that Petitioner did not qualify for an excess shelter deduction, and, as such, the household's net monthly SNAP income is \$3,262.00, for a household of three persons, as used by the Agency in this matter, or \$3,248.00 for a household of four persons. See N.J.A.C. 10:87-6.16(b)(9); see also Exhibit R-1. For SNAP benefits eligibility, the maximum net income level for a household of three persons is \$1,810, and \$2,184 for a household of four persons. See DFDI 20-09-04 at 12. As Petitioner's calculated net income of \$3,262.00 for a household of three persons, or \$3,248.00 for a household of four persons, exceed the maximum income eligibility amount of both \$1,810 and \$2,184, respectively, Petitioner's household is not eligible for SNAP benefits. Ibid. Based on the foregoing, I agree with the ALJ's final conclusion in this matter that the Agency's termination of SNAP benefits, and denial of back SNAP benefits to Petitioner, was proper and must be affirmed. See Initial Decision at 7.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits should her circumstances have changed.

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 18, 2022

---

Natasha Johnson

Assistant Commissioner

