



## State of New Jersey

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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 **0343-22 M.C.**

AGENCY DKT. NO. **C195724009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency terminated Petitioner's SNAP benefits at recertification, contending that Petitioner's countable household income exceeded the maximum permissible net income level for continued receipt of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 8, 2022, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On February 22, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 MODIFIED, 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, as well as child support or alimony payments made directly to the household from nonhousehold members. See N.J.A.C. 10:87-5.5(a)(2), (5).

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's household is comprised of three persons. See Initial Decision at 2. The record further reflects that the household has unearned income in form of monthly Supplemental Security Income ("SSI") benefits in the amount of \$369, as well as monthly child support payments of \$1,742, together with monthly earned income in the amount of \$1,703, for a total household gross income of \$3,814. See Initial Decision at 2. Because Petitioner's household contains an individual who receives SSI benefits, and that individual is thus considered permanently disabled, only the net income test for SNAP benefits eligibility must be met. See N.J.A.C. 10:87-2.34(a)(2), -6.16(b)(1). The maximum net income level for SNAP eligibility for a household of three persons is \$1,830. See DFD Instruction ("DFDI") 21-09-01 at 14. After applying the applicable deductions, including the Heating and Cooling Standard Utility Allowance ("HCSUA"), the household's SNAP net income was calculated to be \$2,586.60. See Initial Decision at 3; see also Exhibit R-1 at 1. As Petitioner's net monthly SNAP income is more than the maximum allowable for her household size of \$1,830, Petitioner is not eligible for SNAP benefits. See DFDI 21-09-01 at 14. Based on the foregoing, I agree with the ALJ's ultimate conclusion that Petitioner's SNAP benefits were correctly terminated at recertification. See Initial Decision at 1; see also Exhibit R-1 at 1. The Initial Decision is modified, however, to include the above analysis.

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 MODIFIED and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

March 15, 2022

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Natasha Johnson  
Assistant Commissioner

