



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **10057-21 M.G.**

AGENCY DKT. NO. **C142505006 (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 January 12, 2022, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On January 14, 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. Additionally, for SNAP benefits cases, unearned income includes child support or alimony payments made directly to the household by non-household members. See N.J.A.C. 10:87-5.5(a)(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(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 four persons. See Initial Decision at 2; see also Exhibit R-1 at 13, 14. The record further shows that Petitioner has monthly earned income in the amount of \$4,739. See Initial Decision at 2. Additionally, Petitioner receives unearned income, in form of child support, in the calculated monthly amount of \$615, which, when combined with the household's earned income, results in a total household gross income of \$5,354. See Initial Decision at 2-3; see also Exhibit R-1 at 14. There is no indication in the record that Petitioner, or anyone in the SNAP household, is handicapped, disabled or elderly, and as such, the household must meet the both the gross and net income tests for SNAP 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). The record indicates that Petitioner's certification period for SNAP benefits would end on November 30, 2021, and at that time, the maximum allowable gross income amount for SNAP eligibility, for a household of four persons, was \$4,086, and as Petitioner's household's gross income is over that threshold, Petitioner's household was determined to be ineligible for SNAP benefits. See Initial Decision at 3; see also DFD Instruction ("DFDI") 21-09-01 at 15. Petitioner asserts that the Agency should have utilized her income and child support payment amounts from December, 2021, as income from her new employment would qualify her for receipt of SNAP benefits. See Initial Decision at 3. However, as correctly found by the ALJ in this matter, the income changes in December occurred after her prior SNAP certification period had ended, and as such, Petitioner must file a new application for SNAP benefits. See Initial Decision at 4. Based on the foregoing, the ALJ found that the Agency's denial of SNAP benefits to Petitioner, at recertification, was proper and must stand. See Initial Decision at 5. I agree.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits if she has not already done so.

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.

February 3, 2022

Natasha Johnson

Assistant Commissioner

