



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 **04215-22 T.P.**

AGENCY DKT. NO. **C071053008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits, at recertification. The Agency denied Petitioner's 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 June 16, 2022, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On June 28, 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 one person. See Initial Decision at 2. There is no indication in the record that Petitioner 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). Petitioner's gross income had been calculated by the Agency to be \$2,415, which exceeds the maximum allowable gross income amount for a household of one of \$1,986. See Initial Decision at 2, 4-5; see also Exhibit R-1 at 24 and DFD Instruction ("DFDI") 21-09-01 at 15. During the hearing in this matter, there were several differences voiced, by both the Agency representative and Agency's Fair Hearing Liaison who testified, as to how Petitioner's gross income should have been calculated and the proper gross income amount, based on the paystubs that had been provided. See Initial 3-5. The ALJ found that, using the first four weeks of paystubs provided, from February 12, 2022, through March 5, 2022, averaging the total to reach a weekly amount of \$508.35, and then taking that weekly average and multiplying it by the appropriate multiplier of 4.333 resulted in a monthly gross income amount of \$2,208.68, which also exceeds the maximum allowable gross income amount of \$1,968. See Initial Decision at 5, 7; see also N.J.A.C. 10:87-6.9(d)(1) (indicating that when income is earned on a weekly basis, the monthly amount is determined by multiplying the weekly amount by a multiplier of 4.333). The ALJ further noted that, even with using the additional paystub from March, 2022, that Petitioner had provided, the monthly gross income amount still exceeded the maximum SNAP threshold amount for continued SNAP eligibility. See Initial Decision at 8. Based on the foregoing, the ALJ concluded that the Agency's denial of SNAP benefits to Petitioner at recertification was proper and must stand. See Initial Decision at 7-8; see also Exhibit R-1 at 26-27. Based upon an independent review of the record, 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.

July 19, 2022

Natasha Johnson
Assistant Commissioner

