



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

TAHESHA L. WAY  
*Lt. Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716  
TRENTON, NJ 08625-0716

SARAH ADELMAN  
*Commissioner*

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 **08222-25 B.G.**

AGENCY DKT. NO. **C159828002 (BERGEN COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's SNAP benefits, contending that Petitioner's resources 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. The matter was initially scheduled for a hearing on September 9, 2025, but was adjourned and rescheduled for October 9, 2025. Due to a scheduling conflict, the matter was again adjourned. On October 29, 2025, the Honorable Sandra L. Lascari, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On November 26, 2025, 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.

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. 10:87-4.11(a), the maximum allowable resources, including both liquid and non-liquid assets for all members of the household, shall not exceed \$2,750, except households which include a person aged 60 or over, for which such resources shall not exceed \$4,250. See DFD Instruction ("DFDI") 22-09-02 at 14. If the household's non-excludable income exceeds the allowable amounts at any point in time, the household's participation in the SNAP program shall be denied or terminated. See N.J.A.C. 10:87-4.11(b).

This matter previously came before the Honorable Kelly J. Kirk, ALJ, who issued an Initial Decision on January 16, 2024, with a Final Agency Decision subsequently being issued by this office on February 27, 2024, reversing the Agency's determination and remanding the matter back to the Agency in order to determine Petitioner's eligibility for SNAP benefits. See Initial Decision at 2; see also Exhibit A. Thereafter, the Agency reviewed the matter and on March 7, 2024, notified Petitioner that she was found ineligible to receive SNAP benefits, effective November 1, 2023, due to her resources exceeding the resource limit of \$4,250. See Initial Decision at 2.

Here, the record reflects that, relevant to this matter, Petitioner is over 60 years of age and a full-time law student. See Initial Decision at 3. On September 15, 2023, the Agency sent Petitioner a Request for Verification seeking documentation related to her income, expenses, and resources in order to determine if she remained eligible for receipt of SNAP benefits. Ibid. Upon a review of the documentation submitted by Petitioner, the Agency determined she was no longer



eligible to receive SNAP benefits, effective November 1, 2023. Ibid.; see also Exhibit R-1. In this matter, Petitioner's resources include two bank accounts and an individual retirement account ("IRA"). See Initial Decision at 3. While the IRA account itself cannot be included as a resource, Petitioner withdraws funds from the IRA and deposits those funds into her bank account, which is subsequently considered income, and based upon those deposits, the Agency determined that Petitioner's gross monthly income exceeds the level of eligibility for SNAP benefits. See Initial Decision at 3-4; see also Exhibits C, R-3, R-4, R-5, R-6, R-7, R-8, and R-10. Additionally, Petitioner is in receipt of financial aid based upon her status as a law student. See Initial decision at 4-5; see also Exhibit R-14. Of note, Petitioner testified, at the time of the hearing, that she had medical procedures during June, 2023, which necessitated withdrawals from her IRA for expenses which were not typical, as she had to pay medical bills that were not covered by her health insurance. See Initial Decision at 5.

Based upon regulatory authority, a SNAP household contains an elderly member when there is an individual within the household aged 60 years or older. See Initial Decision at 6; see also N.J.A.C. 10:87-2.34(a)(1). As such, Petitioner's household shall be considered to contain an elderly individual. In addition, under applicable regulatory authority, students are typically not eligible for receipt of SNAP benefits, however, in the present matter, Petitioner does not meet the definition of a student, based upon her age. See Initial Decision at 6; see also N.J.A.C. 10:87-3.14(a), 7 C.F.R. 273.5(a), 273.5(b). Further consideration of Petitioner's resources is then required pursuant to N.J.A.C. 10:87-4.11(a), as Petitioner meets the criteria of N.J.A.C. 10:87-4.1. Resources include liquid resources (cash on hand, money in checking and savings accounts, saving certificates, stocks or bonds, and lump sum payments), as well as non-liquid resources (personal property, vehicles, buildings, land, and property). See Initial Decision at 6; see also 7 C.F.R. 273.8(c). Further, unearned income includes, but is not limited to, scholarships, educational grants, deferred payment loans for education, etc. See Initial Decision at 6; see also N.J.A.C. 10:87-5.5(a)(4).

Based upon, and in consideration of, the foregoing testimonial and documentary evidence, the ALJ found that, at the time of her recertification for SNAP benefits in 2023, Petitioner failed to consider her ability to access and use her bank account, which exceeded the maximum allowable amount of \$4,250. See Initial Decision at 7. The ALJ further concluded that, as funds were in Petitioner's bank account, and therefore within her control, same must be considered a resource, and, based upon applicable regulatory authority, the ALJ in this matter found that Petitioner's resources clearly exceeded the allowable maximum level amount of \$4,250, and as such, the Agency's termination Petitioner's SNAP benefits, based upon resource ineligibility, was proper and must stand. See Initial Decision at 7; see also N.J.A.C. 10:87-4.11 and DFDI 22-09-02 at 14. 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. December 30, 2025

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Natasha Johnson  
Assistant Commissioner

