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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 **01576-25 E.E.**

AGENCY DKT. NO. **C145627002 (BERGEN COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits at recertification, and the denial of a subsequent application for SNAP benefits for a failure to provide information. The Agency terminated Petitioner's SNAP benefits at recertification due to the household's income exceeding the maximum gross income threshold for continued benefits. The Agency denied a subsequent application due to Petitioner's failure to verify income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 8, 2025, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 9, 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 reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income. See N.J.A.C. 10:87-2.19, -2.20. Without said verification of required information, SNAP eligibility cannot be determined or granted. *Ibid.*

With respect to the inclusion of various sources of unearned income in determining eligibility for SNAP benefits, N.J.A.C. 10:87-5.5(a)(9) states, "All other direct money payments from any source which can be construed to be a gain or benefit to the household [shall be included]."

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).

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 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.



Regulatory authority applicable to a SNAP household recertification for SNAP benefits states that “[n]o household may participate beyond the expiration of the certification period ... without a determination of eligibility for a new period. Households shall apply for recertification and shall comply with interview and verification requirements.” See N.J.A.C. 10:87-9.1(a).

Further, N.J.A.C. 10:87-9.1(h) states, “Information provided by the household shall be verified in accordance with N.J.A.C. 10:87-2.19 and 2.20. The CSSA shall provide the household a notice of required verification as provided at N.J.A.C. 10:87-2.22(d)3, and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 calendar days to provide required verification information.”

Finally, N.J.A.C. 10:87-9.2(c)(5) states, in pertinent part, “A household which submits an application by the filing deadline but neither appears for an interview scheduled after the application has been filed, nor submits verification within the required time frame, shall lose its right to uninterrupted benefits. The CSSA shall deny the household's recertification application at the end of the last month of the current certification period.” (emphasis added).

An independent review of the record in this matter reflects that Petitioner submitted her recertification application for SNAP benefits on June 4, 2024. See Initial Decision at 2. Thereafter, on June 5, 2024, the Agency sent Petitioner a Request for Verification seeking, amongst other things, copies of bank statements with explanations of deposits, as well as proof of household earned income. See Exhibit R-1 at 3; see also N.J.A.C. 10:87-2.19, -2.20, -9.1(h). Based on documentation provided by Petitioner, the household's total monthly earned income was determined to be \$3,966. See Initial Decision at 2; see also Exhibit R-1 at 16-20. With respect to the household's unearned income, three months of bank statements provided (March – May 2024) showed a total amount of unexplained deposits of \$12,612, or an average monthly amount of \$4,204. See Initial Decision at 2; see also Exhibit R-1 at 15. As Petitioner's SNAP household does not contain anyone who is elderly or permanently disabled, the household must meet both the gross and net income thresholds for the household size. See N.J.A.C. 10:87-6.16(d)(2). The gross income threshold at the time of Petitioner's recertification, for a household of eight persons was \$7,795. See DFD Instruction (“DFDI”) 23-09-01 at 13. Petitioner's gross household income was determined to be \$8,170 (\$3,966 monthly earned income + \$4,204 monthly unearned income), which exceeded the allowable gross income threshold, and by notice dated June 26, 2024, the Agency denied Petitioner's application at recertification, resulting in a termination of Petitioner's SNAP benefits. See Exhibit R-1 at 25-26.

Petitioner thereafter reapplied for SNAP benefits on July 8, 2024. See Initial Decision at 2; see also Exhibit R-1 at 1, 27. The Agency sent Petitioner a Request for Verification, seeking an explanation and verification of the bank deposits. *Ibid.* With no explanation being provided, the Agency denied the application on August 12, 2024. See Initial Decision at 2; see also Exhibit R-1 at 29, 30.

In September 2024, the Agency attempted to reprocess the application and again requested explanation and verification of the bank deposits. See Initial Decision at 2; see also Exhibit R-1 at 1. Petitioner submitted an income tax return showing that Petitioner's spouse is the owner of construction company for which earned income had previously been reported for his work as a salesman. See Exhibit R-1 at 1. As this new information was submitted beyond 60-days from the July 2024, application, the Agency advised Petitioner to reapply and provide a profit and loss statement for the spouse's business. See Exhibit R-1 at 1. Petitioner again reapplied, provided the required documentation with respect to the business and was granted SNAP benefits on October 3, 2024. See Initial Decision at 2.

Based on the foregoing, I find that the Agency properly included an averaged amount of the bank deposits as unearned income in determining Petitioner's recertification application, and as such, Petitioner's household exceeded the maximum gross income threshold and properly denied the recertification on that basis. See Exhibit R-1 at 25-26. Petitioner's assertion that the various deposits should be disregarded and that she should be awarded retroactive benefits back to the end of her prior certification period is without merit, as the deposited monies clearly were a gain or benefit to the household, and as such, were properly included in the eligibility calculations. See N.J.A.C. 10:87-5.5(a)(9). Additionally, a purported loan document was not executed contemporaneously or before the time at which various funds were provided to Petitioner in late March, but rather was not executed until October 20, 2024, nor was any such explanation provided when requested at the time of Petitioner's recertification application in June 2024, and as such, I find it would have been improper to exclude the funds in the income eligibility calculations during Petitioner's recertification in June 2024. See N.J.A.C. 10:87-2.20(d)(1), -5.9(a)(8); see also Exhibit P-1 at 3. Moreover, as the relevant explanation and verification documentation in this matter was not timely provided, I find that retroactive benefits back to the time of recertification are not permissible in this matter. See N.J.A.C. 10:87-9.2(c)(5); see also N.J.A.C. 10:87-2.20(d)(1). Therefore, I find that the Agency's determinations in this matter were proper and must stand. The Initial Decision is modified to reflect the above findings.



Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determinations are AFFIRMED, as outlined above.

Officially approved final version. April 29, 2025

Natasha Johnson
Assistant Commissioner

