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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 **18047-24 K.G.**

AGENCY DKT. NO. **S612188012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of her Work First New Jersey/Temporary Assistance to Needy Families ("WFNJ/TANF"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because her total monthly income exceeded the maximum allowable income amount for continued receipt of said benefits, and terminated Petitioner's SNAP benefits because her gross income exceeded the maximum allowable gross income level for her household size. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for February 14, 2025, but was adjourned at Petitioner's request. On March 14, 2025, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 19, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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 determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/TANF, AU (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income) is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). Effective July 1, 2019, for an assistance unit of 3, the maximum allowable benefit level is \$559. *Ibid.*; see also DFD Informational Transmittal ("DFD IT") No. 19-21.

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.

N.J.A.C. 10:87-6.16(b) further outlines the procedures used to calculate both gross and net income for SNAP benefits purposes, and the applicable benefit levels, if eligible. The regulation provides that the applicant's monthly net income is determined by adding together all earned and unearned income, then subtracting all income exclusions. Then, the standard deduction, based upon the size of the household, is subtracted from the income.



Thereafter, the household is evaluated to determine if a medical deduction is appropriate, which is if the household has medical expenses that exceed \$35.00. If the household is entitled to a medical deduction, then the amount in excess of \$35.00 is subtracted from the applicant's income. Then, the applicant is evaluated for an excess shelter deduction. Such a deduction is permitted when the individual's shelter costs exceed 50% of their net income. If this deduction is allowable, then the difference between the shelter costs and the 50% net income, or up to the maximum allowable amount, is subtracted from the individual's income. The remaining figure is Petitioner's net income for SNAP benefits purposes. This net income is then compared against the maximum allowable net income amount for the household's size, as outlined at N.J.A.C. 10:87-12.3, to determine eligibility. If eligible, the household's monthly SNAP allotment shall be equal to the maximum food stamp allotment for the household's size, reduced by 30 percent of the household's net monthly income. See N.J.A.C. 10:87-12.6(a)(1).

Here, the record reflects that Petitioner was receiving WFNJ/TANF and SNAP benefits, when, on October 7, 2024, Petitioner advised the Agency that she began new employment. See Initial Decision at 2; see also Exhibit R-1. The Agency requested paystubs from Petitioner, which were submitted, and upon review of the paystubs, Petitioner's monthly income was determined to be \$3,727.41. See Initial Decision at 2; see also Exhibits R-2, R-4, R-5. With respect to Petitioner's WFNJ/TANF benefits, the Agency applied a 100% earned income disregard for the month of December 2024, and for the months following, after application of a 75% income disregard to the monthly earned income amount, the remainder of \$931.85 exceeded the maximum benefit level for Petitioner's AU of three persons of \$559. See Initial Decision at 3; see also Exhibits R-1, R-5. Accordingly, the Agency sent Petitioner notice on November 26, 2024, that Petitioner's WFNJ/TANF benefits would be issued on December 1, 2024. See Initial Decision at 3, 4; see also Exhibit R-6.

With respect to Petitioner's SNAP benefits, as Petitioner does not have a disabled or elderly person in her household, she must meet both the gross and net income tests for SNAP eligibility. See N.J.A.C. 10:87-6.16(d)(2). While Petitioner's gross income is below the maximum allowable gross income amount for her household size of \$3,981, after application of various deductions, Petitioner's net income for SNAP eligibility purposes was determined to be \$2,777.60, which exceeds the maximum allowable net income for a household of three persons is \$2,152. See DFD Instruction ("DFDI") 24-10-01 at 13, 14. Therefore, the Agency notified Petitioner that her SNAP benefits would terminate effective January 1, 2025. See Exhibit R-6.

Based on the foregoing, the ALJ in this matter concluded that the Agency's termination of Petitioner's WFNJ/TANF and SNAP benefits, were proper and must stand. See Initial Decision at 3-4; see also Exhibits R-4, R-5, R-6. I agree, but the Initial Decision is modified to reflect the above analysis.

By way of comment, Petitioner is without prejudice to reapply for SNAP benefits. The record in this matter shows that no shelter/rental expenses were included in the Agency's SNAP eligibility calculations, which could result in Petitioner requalifying for SNAP benefits. See Exhibit R-5 at IMFS screen.

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

Officially approved final version.

April 09, 2025

Natasha Johnson

Assistant Commissioner

