



## State of New Jersey

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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 **05364-25 R.M.**

AGENCY DKT. NO. **C242481013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner SNAP benefits because he was over the allowable income eligibility threshold. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 16, 2025, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 27, 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 MODIFY the Agency's determination, 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. 10:87-6.16(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).

In accordance with N.J.A.C. 10:87-4.3(a)(1), a household's liquid resources includes monies in a checking and/or savings account, stocks and/or bonds. 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 \$3,000, except households which include a person aged 60 or over, for which such resources shall not exceed \$4,500. See DFD Instruction ("DFDI") No. 24-10-04 at 2,14. 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).

Here, the ALJ found that, at the time of Petitioner's application for SNAP benefits, Petitioner provided an attestation that he was self-employed and earned \$1,000 per month. See Initial Decision at 2; see also Exhibit R-1. In addition, Petitioner disclosed an E-Trade account with a value of \$999,999, which led to the Agency requesting an E-Trade statement for the month of January 2025, which showed an increase in the value of the account of more than \$68,000 from January



1, 2025 to January 31, 2025. See Initial Decision at 2; see also Exhibits R-1, R-2. Upon a review of the January 2025 statement, the Agency concluded that the increase in value of the account was to be considered income for the month of January 2025 when determining eligibility for SNAP benefits, which would put Petitioner over the gross monthly income level for receipt of SNAP benefits. See Initial Decision at 3; see also DFDI No. 24-10-04. Petitioner testified that the change in value of his account should not be considered income as it fluctuates monthly and he did not sell any stock, nor realize any proceeds from the sale of stock. Ibid. The ALJ concluded that the change in value was to be considered income for Petitioner's household and that the Agency's denial of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 3-4. Based on the foregoing, I agree with the ALJ's final conclusion in this matter that the Agency properly denied Petitioner SNAP benefits, however, the Agency should have denied Petitioner's SNAP benefits due to Petitioner's liquid resources exceeding the maximum allowable amount of \$3,000. See Exhibits R-1, R-2; see also N.J.A.C. 10:87-4.3(a)(1), -4.11, and DFDI 24-10-04 No. at 2,14. The Initial Decision and the Agency determination are both modified to reflect the above finding.

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

Officially approved final version. June 11, 2025

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Natasha Johnson  
Assistant Commissioner

