



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625  
(609) 588-2400

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*

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 224-15 C.R.

AGENCY DKT. NO. S710022 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency denied Petitioner application for SNAP benefits as it contended that Petitioner's combined earned and unearned income exceeded the maximum permissible income level for receipt of benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 11, 2015, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On March 24, 2015, the ALJ issued her Initial Decision, affirming the Agency's determination. The ALJ found that the credible evidence presented in the matter substantiated the Agency's position that Petitioner's combined income exceeded the applicable threshold limit for receipt of benefits, thereby rendering Petitioner ineligible for benefits. See Initial Decision at 2-3.

Exceptions to this Initial Decision were filed by Petitioner on April 2, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and having made an independent review of the record in this matter, I hereby ADOPT the Initial Decision and AFFIRM the Agency's determination.

The SNAP Program is designed to promote the general welfare and to safeguard

the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87- 1.1(a). In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold.

The record in this matter reveals that Petitioner receives payments from Retirement, Survivors and Disability Insurance ("RSDI"), in addition to earned income. See Initial Decision at 2. N.J.A.C. 10:87-5.1(a) dictates that "Households that contain an elderly or disabled member shall meet the net income eligibility standards in N.J.A.C. 10:87-12.3." N.J.A.C. 10:87-12.3 directs that we refer to the net income standards as outlined in the Federal Register and effective October 1 of each year. The Maximum Allowable Net Income for a household of one at the time of Petitioner's application was \$973. See DFDI 14-08-03, Table III. Petitioner's calculated net income, as shown in the record at the document labeled "Food Stamp Calculation," is \$1,823, which clearly exceeds the permissible maximum net income amount.

By way of comment, Petitioner submitted a letter with her Exceptions indicating that her rent has increased, and she opines that the increase may make her eligible for SNAP. I note that pursuant to N.J.A.C. 1:1-18.6(c), I am not permitted to consider evidence submitted with an Exception which was not presented at the hearing before the ALJ. Petitioner is without prejudice to submit proof of the rent increase to the Agency directly for consideration and recalculation for SNAP eligibility.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision and AFFIRM the Agency determination in this matter.

*Signed Copy on File*  
at DFD, BARA

**APR - 6 2015**

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Natasha Johnson  
Director