



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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TRENTON, NJ 08625-0716

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 10349-23 M.A.

AGENCY DKT. NO. C037681019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the correctness of a Supplemental Nutrition Assistance Program ("SNAP") recoupment by the Respondent Agency, due to an overissuance. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled, as the result of a failure to report a change in household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled to be heard on January 16, 2024, but was adjourned to January 30, 2024, to allow Petitioner time to seek legal counsel, and to prepare her case. The January 30, 2024, hearing date was subsequently adjourned, due to Petitioner's illness. On the rescheduled date of March 12, 2024, the Honorable John P. Scollo, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On March 15, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency action.

In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. One type of overpayment which is subject to recoupment is one which results from "a misunderstanding or unintended error on the part of the household" receiving benefits, called an "Inadvertent Household Error" ("IHE.") See N.J.A.C. 10:87-11.20(e)(2). Repayment of overissuances may be sought for up to six years following the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner received an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 3, 4. The ALJ found, and Respondent acknowledged on the record, that, due to an IHE, Respondent had failed to report household income, specifically, earned income from K.B., Petitioner's adult child who resided with Petitioner, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$2,770, for the period beginning October, 2021, through February, 2022. Id. at 2, 3, 4; see also Exhibits R-1A, R-1B, R-1D, R-1H, R-1I, R-1J, and N.J.A.C. 10:87-5.4(a)(1), -9.5. Based on the evidence presented, the ALJ concluded that Petitioner's household had received an overissuance of SNAP benefits to which it was not entitled, which must be repaid, and affirmed the Agency's demand for repayment. See Initial Decision at 4; see also Exhibit R-1B. I agree.



So that the Agency may recoup the overissuance, the record further demonstrates that Petitioner and Respondent mutually agreed that Petitioner will begin making monthly payments in the amount of \$77, beginning April 1, 2024, until the entire amount of overissued SNAP benefits are repaid. See Initial Decision at 5; see also N.J.A.C. 10:87-11.20(j). I also agree.

I ORDER and direct that the Agency continues to recoup the overissuance, according to the terms of the repayment agreement.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. April 25, 2024

Natasha Johnson
Assistant Commissioner

