



# State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*Lt. Governor*

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 13800-23 M.G.

AGENCY DKT. NO. C121522020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's determination that Petitioner received an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits to which she was not entitled, as the result of a failure to timely and accurately report household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 25, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On March 4, 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's determination.

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. Specifically, the ALJ found that when Respondent failed to timely provide K.N.'s earned income information, doing so after the certification procedure had ended, it had resulted in an overissuance of SNAP benefits to Respondent in the amount of \$4,734.94, for the period beginning September, 2022, through June, 2023. Id. at 2, 3; see also Exhibit R-1 at 1, 2-4, 5, 6, 7, and N.J.A.C. 10:87-5.2(a)(1), -5.4(a)(1), -9.5. K.N. is Petitioner's adult daughter and member of Petitioner's SNAP household. See Initial Decision at 2; see also Exhibit R-1 at 7.

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 determination. See Initial Decision at 4; see also Exhibit R-1 at 1, 6, 7. I agree.

I ORDER and direct that the Agency proceed to recoup the overissuance.



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

Officially approved final version. March 28, 2024

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Natasha Johnson  
Assistant Commissioner

