



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 11214-23 S.A.

AGENCY DKT. NO. C204097013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between July 2017, and October 2017. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled, thereby resulting in an overissuance, which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On January 23, 2024, the Honorable Nicole T. Minutoli, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 6, 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 reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

SNAP 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 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). Another type of overpayment which is subject to recoupment is one which results from "an action or failure to take action by the [Agency]," called an "Agency Error" ("AE"). See N.J.A.C. 10:87-11.20(e)(3). Repayment of an overissuance may be sought for amounts going back six years prior to the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

The record in this case reflects that on July 17, 2017, Petitioner submitted an application for SNAP benefits, stating she was terminated from her job, had no income and a pending Unemployment Insurance Benefits ("UIB") claim. See Initial Decision at 2; see also Exhibit R-6 at 3. The record further shows that on October 9, 2017, Petitioner completed an Interim Reporting Form ("IRF") stating that she was receiving weekly UIB in the amount of \$677. See Initial Decision at 2; see also Exhibit R-7 at 1-3. This information was not processed by the Agency at that time. Id. at 2-3. On February 24, 2023, the Agency received a referral that the Agency had overissued Petitioner SNAP benefits, due to the fact that Petitioner had not disclosed income from her former employer for the period of July 2017 to September 2017, and the Agency had failed to factor in Petitioner's UIB for the month of October 2017. See Initial Decision at 2-3; see also Exhibit R-4, R-6, R-11, R-15.



Thus, as a result of the unreported earned income, and the non-factored UIB, the Agency determined that Petitioner had received SNAP benefits to which she was not entitled, totaling \$670, for the period from July 2017, through October 2017. See Initial Decision at 2-3, 4-7; see also Exhibit R-4, R-6, R-11, and N.J.A.C. 10:87-9.5(a)(1)(iii), (2). Following a review of the facts in this case, the ALJ determined that the Agency had timely sought reimbursement of the SNAP overpayment, as the date that the Agency became aware of the overissuance was February 24, 2023, within the six-year limitation period. See Initial Decision at 5-6; see also N.J.A.C. 10:87-11.20(f)(1)(i), (i)(2). Further, the ALJ found that the Agency had correctly calculated the overissuance amounts for the months in question, totaling \$670, for SNAP benefits to which Petitioner was not entitled and must now be repaid. See Initial Decision at 4, 6-7; see also N.J.A.C. 10:87-11.20(e) (2), (3). I agree.

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

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED, as outlined above.

Officially approved final version. March 19, 2024

Natasha Johnson
Assistant Commissioner

