



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 **07692-23 S.M.**

AGENCY DKT. NO. **C092417015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's claim for recoupment of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that Petitioner's household received SNAP benefits to which it was not entitled, as the result of a failure to accurately report the household's income, which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for September 15, 2023, but adjourned in order to give Petitioner additional time to obtain documents. On November 1, 2023, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), began the telephonic hearing, but then rescheduled the matter after deciding to conduct the hearing in person. On January 3, 2024, the ALJ held an in-person plenary hearing, took testimony, and admitted documents into evidence.

On January 17, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. The ALJ in this matter issued a thorough and comprehensive Initial Decision, providing a detailed factual timeline, outlining the applicable law, and then applying law to fact. See Initial Decision at 2-8. The record in this matter shows that Petitioner demonstrated, through the filed recertification applications and interim reporting forms ("IRFs") on behalf of the household, an understanding of the mechanisms for reporting the household's earned and unearned income. See Initial Decision at 3; see also Exhibits R-2, R-3, R-4, R-5, R-6, and N.J.A.C. 10:87-5.2(a)(1). Further, the record reveals that subpoenaed bank records substantiated that the household had clearly underreported veteran's benefits and household earned income on the household's filed recertification applications and IRFs from May 2017 until December 2020. See Initial Decision at 2-3, 6-8; see also Exhibits R-2, R-3, R-4, R-5. While Petitioner's husband, S.L., asserted various inapplicable, self-serving arguments during the hearing, he failed to address the amount of overissuance, or whether an overissuance had occurred at all. See Initial Decision at 3-4, 7-8. Based on the testimonial and documentary evidence presented, the ALJ found that the Agency had substantiated that Petitioner's household had failed to accurately report the household's income, and as a result, received an overissuance of SNAP benefits in the amount of \$24,264, to which the household was not entitled and which now must be repaid. See Initial Decision at 2-3, 7-8; see also Exhibits R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9 and N.J.A.C. 10:87-11.20(e)(2). I agree, and as such, I ORDER and direct the Agency to proceed to recoup the overissuance.

Exceptions to the Initial Decision were received from by Petitioner on January 23, 2024.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, I have reviewed the Exceptions submitted on behalf of the Petitioner, and I find that the arguments made therein do not alter my decision in this matter.



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

Officially approved final version. March 28, 2024

Natasha Johnson
Assistant Commissioner

