



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **10524-23 V.C.**

AGENCY DKT. NO. **C186865020 (UNION COUNTY DIVISION 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 January, 2017, and October, 2022. The Agency asserts that Petitioner's household received SNAP benefits to which it was not entitled, thereby resulting in an overissuance of benefits which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On January 17, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 5, 2024, the ALJ issued an Initial Decision, affirming the Agency's overissuance.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby MODIFY 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.

Based on an independent review of the record, the Agency in this matter learned, at the time of Petitioner's recertification for SNAP benefits in late September 2022, that Petitioner had not accurately reported her household composition, her county of residence, or the household's income. See Initial Decision at 2, 4-5. As a result, the Agency determined that Petitioner had received an overissuance of SNAP benefits, between January 2017, and October 2022, in the amount of \$32,818. *Ibid.*; see also Exhibit R-1. Thereafter, the Agency noticed Petitioner of its intention to seek a finding of an Intentional Program Violation ("IPV") through an Administrative Disqualification Hearing ("ADH"), and Petitioner then signed a waiver of her right to an ADH. See Exhibit R-1 at 3. I take official notice that the records of this Agency show that Petitioner was noticed on July 24, 2024, that she had waived her right to an ADH, and a 12-month period of disqualification from SNAP benefits would begin on August 1, 2023. See N.J.A.C. 10:87-11.2(a)(1). Based on the documentary and testimonial evidence presented, the ALJ in this case found that Petitioner had failed to accurately report the household's composition, the actual county of residence, and the correct amount of Petitioner's household income. See Initial Decision at 2-3, 4. The ALJ further concluded that these omissions had resulted in an overissuance of SNAP benefits totaling \$32,818, which must be repaid. *Id.* at 5-6; see also Exhibit R-1. Based on an independent review of the record, I agree. As such, I direct that the Agency proceed to recoup the overissuance.



The ALJ further concluded that the Agency had properly determined that Petitioner's actions in this case constituted an IPV and that Petitioner would thus be disqualified from receipt of SNAP benefits for 12 months. See Initial Decision at 6. In accordance with applicable regulatory authority, in signing the waiver of a right to an ADH, Petitioner then forfeited her right to any further administrative appeal with respect to the disqualification from SNAP benefits. See N.J.A.C. 10:87-11.6(a)(2)(ii). Moreover, as referenced above, Petitioner was previously noticed that her 12-month disqualification period would begin on August 1, 2023. As such, I find these conclusions by the ALJ to be unnecessary and that the only issue to be determined through this hearing was the correctness of the overissuance itself. The Initial Decision is modified to reflect this finding.

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

Accordingly, the Initial Decision is hereby MODIFIED and the Agency's determination in this matter is AFFIRMED, as outlined above.

Officially approved final version. March 07, 2024

Natasha Johnson
Assistant Commissioner

