



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **12066-24 W.S.**

AGENCY DKT. NO. **C330252007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals 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 hearing was initially scheduled for January 23, 2024, but was rescheduled because Petitioner claimed that she had received the hearing notice late in the afternoon of January 23, 2024. On the rescheduled hearing date of February 1, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record closed on February 5, 2024, upon receipt of documents referenced at the hearing. On February 23, 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. Specifically, the ALJ found that, due to an IHE, Respondent had failed to report earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,316, for the months of July, 2022, August, 2022, and October, 2022. *Id.* at 1-2, 3; see also Exhibit R-1 at 1, 5, 6, 7, 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 October 13, 2023, demand for repayment. See Initial Decision at 4; see also Exhibit R-1 at 3-4. I agree. On October 20, 2023, the Agency notified Petitioner that, effective November 1, 2023, in order to recoup the overpayment of SNAP benefits Petitioner had received and was not entitled to, her SNAP benefit allotment would be reduced by 10 percent, until the outstanding balance is



paid in full, with which the ALJ further agreed. See Initial Decision at 4; see also Exhibit R-1 at 11-13, and N.J.A.C. 10:87-11.20(p)(1)(iii). I also agree and direct the Agency to 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

Natasha Johnson
Assistant Commissioner

