



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
CN 716

DEPARTMENT OF HUMAN SERVICES

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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 00218-17 T.M.

AGENCY DKT. NO. C105417 (BURLINGTON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's correctness of a Supplemental Nutrition Assistance Program ("SNAP") recoupment 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 earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 6, 2017, a hearing was scheduled and adjourned. On February 22, 2017, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents into evidence. On March 2, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the 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 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. A 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 record shows that Petitioner previously received \$200.00 per month in SNAP benefits in March 2010. See Initial Decision at 2; see also Exhibit R-1 at 22. However, the Agency determined that Petitioner failed to report earned income to the Agency at that time, which resulted in Petitioner receiving \$200.00 in SNAP benefits to which she was not entitled. See Initial Decision at 2; see Exhibit R-1 at 33. The ALJ determined that the Agency was made aware of the overpayment on February 1, 2011, which falls within the six year limitation period. See Initial Decision at 3; see also N.J.A.C. 10:87-11.20(f)(1)(i). In addition, the ALJ established that the amount sought was cost effective based on the relevant regulatory authority at N.J.A.C. 10:87-11.20(h)(2). See Initial Decision at 3. Therefore, the ALJ concluded the Agency action was correct to pursue the overpayment and affirmed the Agency action. Ibid. 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.

MAR 09 2017

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director