



State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Director*

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 13793-18 J.C.

AGENCY DKT. NO. C098416011 (MERCER COUNTY BOARD 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 a change in household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was scheduled on October 23, 2018, but Petitioner did not appear due to illness. The matter was rescheduled, and on November 27, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On December 11, 2018, 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 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).

Recurring court-ordered arrearages on child support and alimony payments made directly to the household are considered unearned income. See N.J.A.C. 10:87-5.5(a)(5).

Here, the record reflects that on August 8, 2018, Petitioner signed an application for SNAP benefits indicating that her only source of income was monthly Supplemental Security Income ("SSI") benefits. See Initial Decision at 2; see also Exhibit R-5 at 4. The ALJ found that Petitioner had received



child support payments between April 3, 2017, and July 6, 2018. See Initial Decision at 2; see also Exhibit R-4. Based on that additional income, the Agency had recalculated Petitioner's eligibility for SNAP benefits, and determined that Petitioner had received \$629 in excess SNAP benefits. See Initial Decision at 2; see also Exhibit R-2. Based on the evidence presented, the ALJ concluded that Petitioner's total household income included the child support payments that were made on a recurring basis, and after inclusion of same, it was clear that Petitioner had received an overissuance of SNAP benefits in the amount of \$629 to which she was not entitled. See Initial Decision at 5, 6; see also N.J.A.C. 10:87-5.5(a)(5), -11.20, and Exhibits R-1 and R-2. 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.

DEC 17 2018

Officially approved final version.

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Natasha Johnson  
Director

