



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
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 01367-19 B.J.

AGENCY DKT. NO. C149332020 (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 in July 2017, as well as Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits issued to Petitioner in July 2017. The Agency asserts that Petitioner's household received SNAP and WFNJ/TANF benefits to which it was not entitled, resulting in an overissuance of benefits which must be recouped. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On February 15, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 26, 2019, the ALJ issued an Initial Decision affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

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). Another type of overpayment which is subject to recoupment is one which is caused by an action, or inaction, by the Agency itself, called an "administrative error," ("AE"). See N.J.A.C. 10:87-11.20(e)(3). 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).

Similarly, under the WFNJ regulations, a recipient is required to satisfy any repayment obligation pursuant to state or Federal law governing public assistance. See N.J.A.C. 10:90-2.2(a)(7). An overpayment of WFNJ benefits, including Emergency Assistance benefits, is subject to recoupment,



"regardless of fault, including overpayments caused by administrative action or inaction[.]" See N.J.A.C. 10:90-3.21(a)(1).

Here, the record shows that beginning in the month of June 2017, Petitioner's household received monthly earned income from employment, which put the household over the maximum allowable income limits for receipt of SNAP and WFNJ/TANF benefits. See Initial Decision at 2-3; see also Exhibits R-2, R-3. However, in the month of July 2017, the Agency issued Petitioner SNAP benefits in the amount of \$649, and WFNJ/TANF benefits in the amount of \$331. See Initial Decision at 2; see also Exhibit R-4. As a result, Petitioner's household was overissued SNAP and WFNJ/TANF benefits in the month of July 2017, in the total amount of \$980, and the Agency seeks a recoupment of same. See Initial Decision at 3; see also Exhibits R-5, R-6, and N.J.A.C. 10:87-11.20, and N.J.A.C. 10:90-2.2(a)(7). Petitioner admitted that he had received SNAP and WFNJ/TANF benefits, totaling \$980, in the month of July 2017, but challenged the recoupment of those benefits because the Agency had told him that said benefits would not be cut off immediately following his disclosure of excess income in June 2017. See Initial Decision at 2-3. Further, Petitioner claimed that he had reported his earned income to the Agency, and that the overissuance was due to an AE, not an IHE, as alleged by the Agency. *Ibid.*; see also Exhibits P-1, P-2. Nevertheless, the ALJ correctly found that whether Petitioner's SNAP and WFNJ/TANF benefits overissuances were inadvertently due to his failure to report earned income timely, or due to an administrative error, the Agency is required to recoup such overissuance. See Initial Decision at 4-5; see also N.J.A.C. 10:87-11.1(b), -11.20(e)(2), (3), and N.J.A.C. 10:90-2.2(a)(7), -3.21(a)(1). Based on the record presented, as well as an opportunity to assess the credibility of the witnesses, the ALJ concluded that Petitioner's income exceeded the maximum allowable income threshold for receipt of SNAP and WFNJ/TANF benefits, that he received an overissuance of SNAP and WFNJ/TANF benefits in July 2017, totaling \$980, and that the Agency's demand for recoupment of that amount was proper and must stand. See Initial Decision at 3-5; see also Exhibits R-5, R-6, and N.J.A.C. 10:90-11.20, and N.J.A.C. 10:90-3.21(a). I agree.

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

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED.

Officially approved final version.

MAR 05 2019

Natasha Johnson
Director

