



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 05045-19 K.A.

AGENCY DKT. NO. S605045012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's calculation of a Supplemental Nutrition Assistance Program ("SNAP"), and Work First New Jersey/General Assistance ("WFNJ/GA") benefits recoupment due to an overissuance as a result of receiving continued benefits pending a fair hearing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 26, 2019, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On April 29, 2019, the ALJ issued an Initial Decision, affirming the Agency's calculation of the overissuance of SNAP and WFNJ/GA benefits to Petitioner.

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 SNAP benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. Similarly, under the WFNJ regulations, a WFNJ benefits 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 Agency notified Petitioner in December 2018, that his SNAP and WFNJ/GA benefits would terminate effective January 1, 2019. See Initial Decision at 2. Petitioner timely requested a fair hearing, and also requested continued benefits pending the outcome of the fair hearing. *Ibid.*; see also N.J.A.C. 10:87-8.3, -8.7(a), and N.J.A.C. 10:90-9.3(e), -9.9(e). On February 22, 2019, the parties entered into a settlement, wherein the Agency agreed to reinstate Petitioner's SNAP and WFNJ/GA benefits, effective March 1, 2019, and Petitioner agreed to submit verification of an active claim for Supplemental Security Income ("SSI") benefits within 30 days of February 22, 2019, and to withdraw his appeal and fair hearing



request. See Initial Decision at 2; see also Exhibit J-1. The ALJ found, and Petitioner does not dispute, that during the months of January 2019, and February 2019, Petitioner received continued benefits pending his fair hearing, in the amounts of \$304 in WFNJ/GA benefits, and \$384 in SNAP benefits. See Initial Decision at 3; see also Exhibits R-1, R-2, and N.J.A.C. 10:87-8.7(a), N.J.A.C. 10:90-3.21(a) (1). The ALJ further found that the overpayments of SNAP and WFNJ/NJ benefits occurred because Petitioner had requested to continue receiving benefits pending his fair hearing, and later withdrew that fair hearing request after receiving two months of continued benefits. See Initial Decision at 3. While the only issue before the ALJ was the calculation of the overissuance amounts, it should be noted that after withdrawing his fair hearing request, the January 1, 2019, termination of benefits date remained in effect, with no entitlement to WFNJ/GA and SNAP benefits for the months of January and February, until the agreed upon March 1, 2019, reinstatement of benefits, thereby resulting in overissuances of benefits for those two months paid as continued assistance, which must now be repaid. See N.J.A.C. 10:87-8.7(a), and N.J.A.C. 10:90-3.21(a)(1). Accordingly, the ALJ concluded that the Agency's calculation of the Agency's overpayment of SNAP and WFNJ/GA benefits to Petitioner was correct. See Initial Decision at 4. I agree.

Based on the foregoing, 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.

Natasha Johnson
Director

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