



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 02729-20 C.H.

AGENCY DKT. NO. C555725002 (BERGEN COUNTY BD. OF SOC. SVCS)

Petitioner challenges the correctness of the Respondent Agency's claim for recoupment of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency asserts that Respondent failed to report earned income while the assistance unit was receiving SNAP benefits, thus causing Respondent to receive SNAP benefits to which she was not entitled, and that the overissuance must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 15, 2020, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. The record remained open until September 16, 2020, for receipt of documentation referenced at the hearing and then closed. On September 28, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, 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.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87-1.1(a). 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 amounts going back six years prior to the time that the Agency becomes aware of the overpayment. N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the record reflects that Petitioner applied for, and began receiving SNAP benefits in mid-April 2019. See Initial Decision at 3; see also Exhibit R-1 at 2. During her recertification interview in October 2019, Petitioner provided the Agency with documentation that she had been employed from May 28,



2019, through September 10, 2019. See Initial Decision at 3. Petitioner, however, had not reported the earned income to the Agency within the requisite time frame. See Initial Decision at 5; see also N.J.A.C. 10:87-9.5(a)(1)(iii), (2). While Petitioner asserted that she had not been advised of the need to report a change in income, the Agency representative at the hearing testified that during the application interview, the Agency explains all reporting requirements to every applicant. See Initial Decision at 5. The ALJ in this matter found the Agency's testimony credible, and, moreover, found that, as Petitioner had previously received SNAP benefits in another state, and was aware of the reporting requirements when she received benefits in that other state, it was reasonable that she would have known to inquire of the reporting requirements in New Jersey, if she had not been advised of same at the time of her application. Ibid. As such, the ALJ found that Petitioner had failed to report her earned income as required, and therefore, Petitioner received an overissuance of SNAP benefits to which she was not entitled and which must be recouped. Id. at 5-6. I agree. As such, I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, the Initial Decision is ADOPTED, and the Agency determination is hereby AFFIRMED. The Agency is furthermore ORDERED to recoup the overissuance.

Officially approved final version.

OCT 15 2020

Natasha Johnson
Assistant Commissioner

