



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 05698 20 J.T.

AGENCY DKT NO C140353015 (OCEAN COUNTY BOARD OF SOC SVCS)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency asserts that Petitioner received SNAP benefits to which she 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 September 8, 2020, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 17, 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.

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 is caused by an action of the Agency itself, called an Agency Error ("AE"). N.J.A.C. 10:87-11.20(e)(3).

On December 11, 2013, Petitioner applied for SNAP benefits, and reported that her rent totaled \$321 per month. See Initial Decision at 2; see also Exhibit R-1 at 8. On September 10, 2014, Petitioner reported to the Agency that she moved, and that her new rent would be \$950 per month. See Initial Decision at 2; see also Exhibit R-2 at 5, R-4 at 1. As the result of the Agency attributing \$950 in shelter costs to Petitioner, Petitioner's SNAP benefits were increased to \$194 per month, effective October 1, 2014. See Initial Decision at 2; see also Exhibit R-4 at 1, 4, 7, and N J A C 10:87-6.16(b)(8)

On October 15, 2015, Petitioner submitted a recertification application for SNAP benefits, and reported that her rent was \$164 per month, and had been since September 3, 2014. See Initial Decision at



3; see also Exhibit R-3 at 6. Thereafter, on or around October 28, 2015, the Agency became aware that Petitioner's shelter expense was \$164, for the period beginning October, 2014, through November, 2015, instead of \$950. See Initial Decision at 3; see also Exhibit R-4 at 1.

On February 18, 2020, the Agency determined that due to an AE, Petitioner received an overissuance of SNAP benefits in the amount of \$2,492, for the period beginning October, 2014, through November, 2015. See Initial Decision at 4; see also Exhibit R-6. On February 19, 2020, the Agency issued a Notice to Repay Overissued SNAP benefits to Petitioner, advising her of the overissuance, and its intent to recoup the amount of overissued SNAP benefits. See Initial Decision at 4; see also Exhibit R-7 and N.J.A.C. 10:87-11.20(e)(3).

The ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner received an overpayment of SNAP benefits for which the Agency is entitled to be repaid by law. See Initial Decision at 8. Based on the record presented, the ALJ concluded that Petitioner was overissued SNAP benefits to which she was not entitled during the time period claimed, and as such, the Agency's demand to repay the overissuance was appropriate. *Ibid.*; see also Exhibit R-7, and N.J.A.C. 10:87-11.20(b), (e)(3). I agree.

Further, I find that an Agency error cannot result in a windfall to Petitioner, as receipt of an overissuance of SNAP benefits is money that Petitioner received, to which she was not entitled, and therefore, must be repaid. See Initial Decision at 8; see also N.J.A.C. 10:87-20(b). As such, I direct that the Agency proceed to recoup the overissuance.

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

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

Officially approved final version.

OCT - 5 2020

Natasha Johnson
Assistant Commissioner

