



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

PO BOX 716
TRENTON, NJ 08625-0716

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 17401-19 T.I.

AGENCY DKT. NO. C126588006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner challenges the correctness of the Respondent Agency's recoupment of Supplemental Nutrition Assistance Program ("SNAP") benefits, due to an overissuance. The Agency asserts that Petitioner received SNAP benefits to which he was not entitled, as the result of a failure to report earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 2, 2020, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents into evidence. On January 13, 2020, 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).

Overissuances must be repaid, regardless of fault, as any overissuance of SNAP benefits cannot result in a windfall to an individual or household. See N.J.A.C. 10:87-11.20.

Here, Petitioner, as a household of one adult, received monthly SNAP benefits in the amount of \$192, beginning in December, 2018. See Initial Decision at 2; see also Exhibit R-1 at 30. On June 18, 2019, the Agency received a Wage Verification Form ("WVF") indicating that Petitioner began earning income as a seasonal employee, on April 25, 2019. See Initial Decision at 2; see also Exhibit R-1 at 26. Thereafter, the Agency determined that from June, 2019, through August, 2019, Petitioner had failed



to report his earned income, while receiving SNAP benefits during the same time period, which had resulted in an overissuance of SNAP benefits received by Petitioner. See Initial Decision at 2, 3; see also Exhibit R-1 at 14, 15, 29, and N.J.A.C. 10:87-5.4(a)(1), -11.20(f). Accordingly, on November 21, 2019, the Agency sent Petitioner a Notice to Repay Overissued NJ SNAP Benefits, seeking to recoup the \$531 in overissued SNAP benefits. See Initial Decision at 2; see also Exhibit R-1 at 2-5. The ALJ found that Petitioner never notified the Agency of either his employment, or his earned income, and that Petitioner did, in fact, receive \$192 in SNAP benefits for the months of June, 2019, through August, 2019, when he was only entitled to receive \$15 in SNAP benefits for each of those months. See Initial Decision at 3, 6; see also Exhibit R-1 at 15, 16-23.

Moreover, while Petitioner contends that he should not have repay the overissued SNAP benefits because the Agency continued to issue him SNAP benefits, even after it learned of his employment, the ALJ correctly found that the Agency is required to collect on all claims for overpayments, including Agency Errors. See Initial Decision at 3, 5-6. See N.J.A.C. 10:87-11.20.

Based on the evidence presented, the ALJ concluded that that from June, 2019, through August, 2019, Petitioner had failed to report his earned income, while receiving SNAP benefits during the same time period, and as a result, received on overissuance of benefits in the amount of \$531, to which he was not entitled. See Initial Decision at 6; see also Exhibit R-1 at 2-5, and N.J.A.C. 10:87-5.4(a)(1), -11.20. I agree.

By way of comment, Petitioner is reminded that should his employment status change, he is to advise the Agency within 10 days, and his SNAP benefits would be adjusted accordingly, either by way of an increase or a decrease. See N.J.A.C. 10:87-9.5(a)(1)(iii)(b).

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.

FEB - 3 2020

Officially approved final version.

Natasha Johnson
Assistant Commissioner

