



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 00972-21 A.M.

AGENCY DKT. NO. C074574020 (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 between June, 2020, and September, 2020. The Agency asserts that Petitioner's household received SNAP 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 March 5, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 12, 2021, 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. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the record reflects that Petitioner was receiving SNAP benefits in 2020, when the Agency learned, through the normal course of operations, that Petitioner had not reported the unearned income of her daughter, more specifically, her daughter's receipt of Unemployment Insurance Benefits ("UIB") during the months in question. See Initial Decision at 2; see also N.J.A.C. 10:87-9.5(a)(1)(iii), (2). Had Petitioner timely reported her daughter's UIB, the household's SNAP benefits would have been reduced



to the minimum amount for the household size. See Initial Decision at 2. As a result, Petitioner's household received an overissuance of SNAP benefits in the amount of \$339 per month, or \$1,356 total. Ibid. During her testimony at the hearing before the ALJ, Petitioner asserted that the Agency should have learned of the UIB on its own. Ibid. Petitioner was advised, however, that it was her responsibility to report the receipt of said unearned income, in accordance with applicable regulatory authority. Ibid.; see also N.J.A.C. 10:87-9.5(a)(1)(iii), (2). Petitioner then admitted that she had been overpaid SNAP benefits, and agreed to repay the full amount, by using any monthly SNAP benefits to which she was entitled. See Initial Decision at 4. Petitioner further maintained that she had recently submitted \$100 to the Agency, towards payment of the amount owed. Id. at 3. Based on the foregoing, the ALJ found that the parties had agreed to resolve the matter with a payment plan. Ibid. The ALJ thus concluded that the Agency's determination in this matter, that Petitioner was overpaid a total of \$1,356 in SNAP benefits, which must be repaid, was proper and must stand. See Initial Decision at 4. I agree. The ALJ further concluded that the parties had reached an agreement for the repayment of said amount, but ordered that the Agency shall investigate Petitioner's assertion of a recent \$100 payment towards the total, and credit same towards the total owed, if it is, in fact, determined to have been paid. Ibid. I also agree. Finally, the ALJ ordered that the Agency shall apply the full amount of any future SNAP benefits allotments toward the repayment of the \$1,356, until such time as the full amount has been repaid. Ibid.; see also N.J.A.C. 10:87-11.20(e)(2). I also agree, and as such, I direct that the Agency proceed to recoup the overissuance in accordance with these terms.

I ORDER and direct the Agency to proceed to recoup the overissuance, as outlined above.

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

Officially approved final version.

APR 13 2021

Natasha Johnson
Assistant Commissioner

