



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 10230-20 C.L.

AGENCY DKT. NO. C066003006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency asserts that Petitioner's household received SNAP and WFNJ/TANF benefits to which it was not entitled, resulting in overissuances of benefits which must be recouped. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The matter was initially scheduled for a hearing on December 9, 2020, but was adjourned to allow time for Petitioner to submit additional documentation. The case was rescheduled, and on January 27, 2021, the Honorable Jeffrey R. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 1, 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.

In the instance of an overpayment of SNAP benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. A 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).

Similarly, under the WFNJ regulations, a 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).



On or around January 10, 2020, the Agency began an investigation to determine whether Petitioner, a recipient of WFNJ/TANF and SNAP benefits, misused or trafficked SNAP ETB cards. See Initial Decision at 2; see also Exhibit R-1 at 25. On March 5, 2020, an Agency Investigator visited Petitioner's home to verify residence and household composition. See Exhibit R-1 at 25. A tenant reported to the Investigator that Petitioner did reside there, but no children resided with her. Id. at 25-26. On May 22, 2020, the Investigator interviewed Petitioner, and Petitioner reported that, effective January 4, 2019, her children were removed from the home, and living with other relatives. See Initial Decision at 2; see also Exhibit R-1 at 26, 27-28, 29-30. As a result of its investigation, the Agency concluded that Petitioner had failed to report that her children had been removed from her home, and that this failure to disclose to the Agency that her children had been removed from her home, resulted in an overissuance of WFNJ/TANF and SNAP benefits, to which she was not entitled to. See Initial Decision at 2; see also Exhibit R-1 at 26, 67, 68.

The ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner did not notify the Agency that her children were removed from her home to live with other relatives, and that the failure to disclose this information to the Agency resulted in WFNJ/TANF and SNAP overpayments. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:87-2.1, -2.2(a), -3.2(a), and N.J.A.C. 10:90-2.7(a)(1). The ALJ concluded that Petitioner received an overissuance of WFNJ/TANF benefits in the amount of \$3,825, and an overissuance of SNAP benefits in the amount of \$1,698, for the period beginning September, 2019, through May, 2020, which must be repaid. See Initial Decision at 5; see also Exhibit R-1 at 2-5, 6-10, and N.J.A.C. 10:87-11.20(e)(2), N.J.A.C. 10:90-3.21(a)(1). I agree.

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, as outlined above.

Officially approved final version.

FEB 25 2021

Natasha Johnson
Assistant Commissioner

