



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Acting Commissioner

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Lt. Governor

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 10738-20 J.E.

AGENCY DKT. NO. S485661012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of his application for Supplemental Nutrition Assistance Program ("SNAP") benefits, due to Petitioner's failure to provide all necessary information and documentation to determine eligibility. Petitioner further challenges the correctness of the Agency's claim for recoupment of SNAP benefits issued pending the outcome of Petitioner's prior unsuccessful fair hearing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On January 8, 2021, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On January 21, 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).

Here, the record reflects Petitioner had a prior fair hearing, under OAL docket number HPW 02983-20, through which Petitioner appealed the March 1, 2020, termination of SNAP benefits, due to Petitioner's failure to provide requested documentation. See Initial Decision 1; see also Exhibit R-6. An Initial Decision was rendered in that matter on August 20, 2020, upholding the Agency's termination, with a Final Agency Decision, adopting the Initial Decision, and affirming the Agency's determination, being issued on September 3, 2020. See Exhibit R-5. An Amended Final Decision, solely to acknowledge receipt of overdue Exceptions filed by Petitioner, was issued on September 22, 2020. Ibid. On or about



September 25, 2020, Petitioner submitted a new application for SNAP benefits. See Exhibit R-1D. On October 26, 2020, the Agency denied that application for SNAP benefits, also for failing to provide requested documentation and lack of verification. See Initial Decision at 2; see also Exhibit R-6D. Based upon the evidence presented at the hearing, the ALJ in this matter agreed with the Agency, and found that Petitioner had provided no substantiating documentation to support his various assertions, and as such, the ALJ concluded that the Agency's denial of Petitioner's application for SNAP benefits was proper and must be affirmed. See Initial Decision at 4; see also N.J.A.C. 10:87-2.14. I agree. The ALJ further found that, as a result of the Petitioner's prior fair hearing, Petitioner had receiving continued SNAP benefits pending a Final Agency Decision in that matter. See Initial Decision at 4. Petitioner was unsuccessful in his pursuit of that fair hearing, and the March 1, 2020, termination was upheld. See Exhibit R-6. As a result of the affirmance of the Agency's March 1, 2020, termination, from March 2020, through September 2020, Petitioner received SNAP benefits totaling \$1,358 to which he was not entitled, in the form of continued assistance pending the outcome of the fair hearing, and which must be repaid. See Initial Decision at 3, 4; see also N.J.A.C. 10:87-11.20(e)(2). I agree, and 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.

FEB 25 2021

Natasha Johnson
Assistant Commissioner

