



State of New Jersey

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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 02902-21 J.G.

AGENCY DKT. NO. C164052020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the correctness of an overissuance of Work First New Jersey/General Assistance ("WFNJ/GA"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. Respondent Agency asserts that for the period beginning April, 2020, through July, 2020, Petitioner received WFNJ/GA and SNAP benefits to which he was not entitled, and which must be repaid, as the result of a failure to report household unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 27, 2021, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On May 18, 2021, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, 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, based on the discussion below.

In accordance with regulatory authority, applicable to the WFNJ program, a recipient of WFNJ benefits 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).

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 up to six years following the time that the Agency becomes aware of the overissuance. See N.J.A.C. 10:87-11.20(f)(1)(i).



Here, the ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner received an overissuance of WFNJ/GA and SNAP benefits to which he was not entitled. See Initial Decision at 4-5. The record in this matter reveals that Petitioner received WFNJ/GA and SNAP benefits during the months of April, May, June and July, 2020. See Initial Decision at 2-3. During this time period, Petitioner also received Temporary Disability Insurance ("TDI") benefits. Id. at 3. While Petitioner maintained that he had attempted to report his receipt of TDI benefits to the Agency, the Agency has no record of same. Id. at 2. Based on the record presented, the ALJ in this matter concluded that Petitioner was overissued WFNJ/GA and SNAP benefits to which he was not entitled during the time period claimed, in the amounts of \$740 and \$630 respectively, and as such, the Agency is entitled to recoup, and Petitioner must repay, the overissuances of WFNJ/GA and SNAP benefits to which he was not eligible to receive. See Initial Decision at 4-5; see also N.J.A.C. 10:90-3.21(a)(1) and N.J.A.C. 10:87-11.20(b), (e)(2). I agree.

I ORDER and direct that the Agency proceed to recoup the overissuances.

Accordingly, the Initial Decision in this matter is ADOPTED, and the Agency's determinations are AFFIRMED.

Officially approved final version. JUN 22 2021

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Natasha Johnson  
Assistant Commissioner

