



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 00966-21 J.R.

AGENCY DKT. NO. C038906019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's correctness of a Supplemental Nutrition Assistance Program ("SNAP") benefits recoupment, due to an overissuance. The Agency asserts that Petitioner received SNAP benefits, to which she was not entitled, as the result of a failure to accurately report her household composition. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 16, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On March 23, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

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.

Every SNAP application shall be made on behalf of a household. See N.J.A.C. 10:87-2.1. It is critically important to determine exactly who comprises the SNAP household, since all considerations of eligibility will follow from this initial determination. *Ibid.*

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).

Here, the record reflects that, on June 8, 2015, Petitioner applied for SNAP benefits for herself and her one child. See Initial Decision at 3. Thereafter, pursuant to an investigation regarding whether D.A.G., the father of Petitioner's child, resided in the same household as Petitioner, the Agency discovered that D.A.G. listed Petitioner's home as his official residence for purposes of his tax returns, motor vehicle



license and vehicle registration. Id. at 3, 4; see also Exhibit R-1 at 67, 69, 85, 86. Additionally, when the Investigator visited Petitioner's address, D.A.G. was present with the child, and stated to the Investigator that he owned the home, and had resided there with the child. See Initial Decision at 4; see also Exhibit R-1 at 68, 69-70, 71. Therefore, the ALJ found that D.A.G. had lived in the same home as Petitioner for the entire period that Petitioner had received an overissuance of SNAP benefits, specifically, for the period beginning June, 2015, through June, 2017. See Initial Decision at 5; see also Exhibit R-1 at 74-78, and N.J.A.C. 10:87-2.2, -2.14.

Based on the evidence presented, the ALJ concluded that, from June, 2015, through June, 2017, Petitioner received an overissuance of SNAP benefits in the amount of \$7,465 to which she was not entitled, and which must be repaid. See Initial Decision at 6; see also Exhibits R-1 at 74-78, 88-89, and N.J.A.C. 10:87-2.2, -2.14, -11.20. I agree.

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

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

APR 22 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

