



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 09597-20 K.E.

AGENCY DKT. NO. S470507014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

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 plenary hearing on December 17, 2020, but was adjourned due to inclement weather. Thereafter, throughout several dates in January, 2021, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held telephonic plenary hearings, took testimony, and admitted documents. The record then closed on January 11, 2021. On January 27, 2021, the ALJ issued an Initial Decision, reversing 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 REVERSE 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).



Here, the Agency contends that Petitioner received child support income for the period beginning February, 2019, through May, 2019, and that she failed to report this income to the Agency, as required. See Initial Decision at 2, 4; see also Exhibit R-1 at 2, 43-47, 55, 62, and N.J.A.C. 10:87:5-(a)(5). However, the ALJ found that Petitioner had received no child support payments since June 7, 2018, and that she had received child support income before she received any cash assistance benefits. See Initial Decision at 2, 3; see also Exhibit R-1 at 3. The ALJ further found that there was no factual basis for the amount of overpayments Petitioner is alleged to owe the Agency. See Initial Decision at 3. Accordingly, the ALJ concluded that, since there still exists a factual issue as to whether child support payments were properly matched in time to Petitioner's receipt of SNAP and WFNJ/TANF benefits, by the preponderance of the credible evidence, the Agency did not sustain its burden of proof as to whether Petitioner was overissued SNAP and WFNJ/TANF benefits. *Id.* at 4. The ALJ further concluded that Petitioner was not overissued SNAP and WFNJ/TANF benefits, and reversed the Agency's determination to recover from Petitioner overissuances of SNAP and WFNJ/TANF benefits. *Ibid.* Based on an independent review of the record, I agree.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is REVERSED, as outlined above.

Officially approved final version.

APR - 8 2021

Natasha Johnson
Assistant Commissioner

