



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Acting Commissioner

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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 00949-21 L.P.

AGENCY DKT. NO. S624350012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between February, 2017, and June, 2017, in the county where Petitioner previously resided. The Agency asserts that Petitioner's household received SNAP benefits to which it was not entitled, resulting in an overissuance of benefits which must be recouped. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On March 16, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 29, 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). Repayment of overissuances may be sought for amounts going back six years prior to the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, an independent review of the record reflects that Petitioner began receiving SNAP benefits on January 11, 2017, and received a partial month benefits payment for that month. See Exhibit R-7 at 3. The record further reflects that, at that time, Petitioner was receiving monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits in the amount of \$1,758, which Petitioner failed to disclose to the Agency in the county where she was residing at that time. See Initial Decision at 2; see also Exhibit



R-6. Based upon this omission, Petitioner received monthly SNAP benefits in the amount of \$194 for February, 2017, through June, 2017, when she was only entitled to \$16 in monthly SNAP benefits for those months, resulting in an overpayment totaling \$890. See Initial Decision at 2; see also Exhibits R-3, R-7, R-10. The claim balance of \$878.26 was transferred to the Agency in this matter based on Petitioner's current address of residence. See Initial Decision at 2; see also Exhibit R-4. Petitioner does not deny that she had received an overissuance, but claims that she reported her RSDI unearned income to the Agency when she applied for benefits. See Initial Decision at 2. The ALJ in this matter found that the evidence presented substantiated that Petitioner had received an overissuance to which she was not entitled, in the amount of \$878.26, between February, 2017, and June, 2017, and must now be repaid. See Initial Decision at 5; see also Exhibit R-3 and N.J.A.C. 10:87-11.20(e)(2). I agree. As such, I direct that the Agency proceed to recoup the overissuance.

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

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

APR - 8 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

