



State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 00655-21 M.F.

AGENCY DKT. NO. C317273020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the correctness of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that Petitioner received SNAP benefits to which she was not entitled, as the result of a failure to report household unearned income, which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 24, 2021, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On March 9, 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 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.

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 SNAP benefits to which she was not entitled. See Initial Decision at 3. Specifically, due to an IHE, Petitioner had failed to report unearned income that she had received, specifically, Unemployment Insurance benefits ("UIB"), which resulted in an overissuance of SNAP benefits to Petitioner in the amount of \$1,738, for the period beginning



October, 2016, through January, 2017. Id. at 2, 3; see also Exhibit R-1 at 1, 2-3, 5, 10-14, and N.J.A.C. 10:87-5.5(a)(2), -9.5.

Based on the record presented, the ALJ in this matter concluded that Petitioner was overissued SNAP benefits to which she was not entitled during the time period claimed, and as such, the Agency is entitled to recoup, and Petitioner must repay, the overissuance of SNAP benefits to which she was not eligible to receive. See Initial Decision at 3; see also N.J.A.C. 10:87-11.20(b), (e)(2). I agree.

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

By way of comment, if Petitioner is unable to repay the overissuance in one lump sum, she should contact the Agency to arrange a mutually agreeable repayment agreement, so that she may begin to make smaller, installment payments. See N.J.A.C. 10:87-11.20(i)(4)(xiv), -(j)(1). Or, if Petitioner is currently a SNAP benefits recipient, the Agency may reduce Petitioner's SNAP benefit allotment in accordance with current regulatory authority, until the entire amount of the overissuance is recouped. See N.J.A.C. 10:87-11.20(p)(1)(iii).

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

APR 15 2021

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

