



State of New Jersey

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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 02594-21 P.D.

AGENCY DKT. NO. C033578021 (WARREN CO. DIV TEMP ASST & 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 30, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. The hearing was paused due to the ALJ's recorder running out of recording capacity. On May 25, 2021, the hearing resumed, concluded, and the record then closed. On June 3, 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 October 28, 2018, Petitioner filed a recertification application for SNAP benefits, for herself and her three children. See Initial Decision at 3; see also Exhibit R-4 at 1-12. Prior



to that date, on or around August 31, 2018, the Agency received a complaint alleging that Petitioner's boyfriend, R.H., also the father of two of Petitioner's children, lived with Petitioner. See Exhibits R-1, R-13. Thereafter, pursuant to an Agency investigation regarding whether R.H. resided in the same household as Petitioner, the Agency discovered that R.H. owned the home Petitioner had listed as her residence. See Initial Decision at 3; see also Exhibits R-2 at 1-2, and R-13. The investigation also revealed that R.H. received mail at Petitioner's home, and that R.H.'s car was registered to the same address Petitioner had listed as her home address. See Initial Decision at 3, 4; see also Exhibits R-2 at 9, R-13. Additionally, Agency records revealed that R.H. applied for Unemployment Insurance Benefits using Petitioner's address, and that R.H.'s address on file with his employer, has always been the same as Petitioner's address. See Exhibit R-2 at 10-12, 13. Based on the evidence presented, the ALJ found that R.H. had lived in the same home as Petitioner for the entire period that Petitioner had received an overissuance of SNAP benefits, and therefore, Petitioner was required to report his presence and his income to the Agency, but did not do so. See Initial Decision at 5, 6; see also Exhibits R-6, R-7, R-8, and N.J.A.C. 10:87-2.2, -2.14. Accordingly, the ALJ concluded that, from August, 2014, through January, 2019, Petitioner received an overissuance of SNAP benefits in the amount of \$13,541 to which she was not entitled, and which must be repaid. See Initial Decision at 6; see also Exhibit R-9, 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.

Officially approved final version.

JUL 13 2021

Natasha Johnson
Assistant Commissioner

