



State of New Jersey

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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 11344-20 R.C.

AGENCY DKT. NO. C191850013 (MONMOUTH COUNTY DIV. 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 October, 2018, and December, 2018. 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. A hearing was initially scheduled for January 29, 2021, but was adjourned, at the request of both parties. The matter was rescheduled for February 5, 2021, but again adjourned at the request of Petitioner. Thereafter, the matter was rescheduled for February 26, 2021, and on that date, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 12, 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, the record reflects that Petitioner was receiving SNAP benefits in 2018, when she became employed in July, 2018. See Initial Decision at 2; see also Exhibits R-3, R-4. Petitioner does not deny



that she had earned income during the time in question, but claims that she reported said income to the Agency. See Initial Decision at 2; see also N.J.A.C. 10:87-9.5(a)(1)(iii), (2). When the case was later reviewed by the Agency, it was determined that, based upon Petitioner's earned income during the months of October, 2018, through December, 2018, Petitioner had received an overissuance of SNAP benefits totaling \$530.75. See Initial Decision at 2; see also Exhibits R-1, R-3, R-4. 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 \$530.75, between October, 2018, and December, 2018, and must now be repaid. See Initial Decision at 5; see also Exhibit R-1 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.

The ALJ also found that, while there had been a recent policy change, which raised the minimum claims threshold from \$125 to \$750, effective November 1, 2020, Petitioner's overissuance claim predated the revised threshold effective date, and thus, Petitioner remained responsible for repayment of the overissuance amount. See Initial Decision at 5; see also Exhibit R-2 at 2 ("CWAs must continue to pursue collection efforts on NJ SNAP claims established before November 1, 2020, regardless of the amount of the claim or claim balance."). I also agree.

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.

Officially approved final version.

MAR 30 2021

Natasha Johnson
Assistant Commissioner

