



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 02095-21 S.H.

AGENCY DKT. NO. C134827015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the correctness of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that for the period beginning March, 2015, through February, 2019, Petitioner received SNAP benefits to which she was not entitled, and which must be repaid, as the result of a failure to report household unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 30, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. The record remained open to allow for post-hearing submissions, and upon receipt of same, the record then closed on April 13, 2021. On May 3, 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 5. The ALJ further found that, due to an IHE, Petitioner had failed to report unearned income, specifically, cash withdrawals from Petitioner's investment accounts which



were deposited on a monthly basis, beginning March, 2015, through February, 2019, into Petitioner's checking account, which resulted in an overissuance of SNAP benefits to Petitioner in the amount of \$10,974. Id. at 3, 5, 8, 9; see also Exhibits R-4, R-5, R-6, and N.J.A.C. 10:87-4.3(a)(1), -5.5(a)(9), -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 9; 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.

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

Officially approved final version.

MAY 25 2021

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Natasha Johnson  
Assistant Commissioner

