



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
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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 **02280-23 A.B.**

AGENCY DKT. NO. **C344327007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between February 2020, and February 2022. The Agency asserts that Petitioner's household received SNAP benefits to which it was not entitled, thereby resulting in an overissuance of benefits which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 13, 2023, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 31, 2023, 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). Another type of overpayment which is subject to recoupment is one which is caused by an action or inaction of the Agency itself, called an "administrative error." N.J.A.C. 10:87-11.20(e)(3). 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 upon a recertification for continued SNAP benefits, and subsequent verification of income with Petitioner's employer, the Agency learned that Petitioner had not reported the receipt of earned income for the time period of February 2021, through February 2022. See Initial



Decision at 2-3; see also Exhibit R-1 at 3-5, 9, 21-29, 42-55, and N.J.A.C. 10:87-5.2, -9.5(a)(1)(iii), (2). As a result, Petitioner's household received an overissuance of SNAP benefits in the amount of \$9,911. See Initial Decision at 2; see also Exhibit R-1 at 13-18. The ALJ in this matter found that the evidence presented substantiated that Petitioner had received an overissuance of SNAP benefits to which she was not entitled, in the amount of \$9,911, between February 2021, and February 2022, which must now be repaid. See Initial Decision at 2-4; see also Exhibit R-1 at 19-20, 30-41, 56-62, 65-71, and N.J.A.C. 10:87-11.20(e)(2). I agree, and as such, I direct that the Agency proceed to recoup the overissuance.

I ORDER and direct the Agency to proceed to recoup the overissuance, as outlined above.

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

Officially approved final version. July 11, 2023

Natasha Johnson
Assistant Commissioner

