



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 **03783-23 A.D.**

AGENCY DKT. NO. **C038852012 (MIDDLESEX COUNTY BD. 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, 2016, and October, 2022. 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 repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On June 15, 2023, the Honorable Nicole T. Minutoli, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On June 29, 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). 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).

Regulatory authority applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3.

Here, the Petitioner submitted a Redetermination/Recertification for Assistance in support of her continuing eligibility for SNAP benefits on April 18, 2016. See Initial Decision at 2; see also Exhibit R-15



at 1-3. The only income that Petitioner disclosed on that application was Retirements, Survivors, and Disability Issuance (“RSDI”) benefits payments. Ibid. On that application, Petitioner denied receiving other income in the form of Union/Pension Benefits by checking the box marked “N” (for “no”). Ibid. From April, 2016, through October, 2022, Petitioner submitted multiple Redetermination/Recertification for Assistance forms and Interim Reporting Forms (“IRFs”) where she indicated she was not receiving Union/Pension Benefits. See Initial Decision at 3; see also Exhibits R-10 through R-15). On October 7, 2022, Petitioner submitted a Redetermination/Recertification for Assistance wherein she disclosed Union/Pension Benefits of \$462.79/month as an additional source of income with the start date of these benefits beginning in 2012. See Initial Decision at 3; see also Exhibit R-9. The ALJ in this matter found that the evidence presented substantiated that, due to an inadvertent household error, specifically, Petitioner’s failure to report the household’s total unearned income, Petitioner’s household had received an overissuance of SNAP benefits totaling \$6,872, which must be repaid. Id. at 3-4, 7-8; see also N.J.A.C. 10:87-11.20(e)(2). Based on an independent review of the record, I agree with the claim for recovery of the overissued SNAP benefits and affirm the Agency’s determination in this matter. As such, I direct that the Agency proceed to recoup the overissuance.

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

Accordingly, the Initial Decision is hereby ADOPTED and the Agency’s determinations in this matter are AFFIRMED.

Officially approved final version. July 26, 2023

Natasha Johnson
Assistant Commissioner

